

APR 24 1945

VOL. LXVI, 2

WHOLE No. 262

AMERICAN JOURNAL OF PHILOLOGY

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APRIL, 1945

BALTIMORE 18, MARYLAND
THE JOHNS HOPKINS PRESS

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Articles intended for publication in the Journal, books for review, and other editorial communications should be addressed to the editor, Benjamin D. Meritt; proof should be returned to the secretary, Evelyn H. Clift, The Johns Hopkins University, Baltimore 18, Maryland.

Contributors are entitled to receive twenty-five copies of their respective contributions free of charge. Additional copies will be supplied at cost.

Subscriptions, remittances, and business communications should be sent to

THE JOHNS HOPKINS PRESS, Baltimore 18, Md.

The contents of the American Journal of Philology are indexed regularly in the International Index to Periodicals.

Entered as second-class matter October 16, 1911, at the postoffice at Baltimore, Maryland, under the Act of March 3, 1879.

Acceptance for mailing at special rate of postage provided for in Section 1103, Act of October 3, 1917. Authorized on July 3, 1918.

PRINTED IN THE UNITED STATES OF AMERICA
BY J. H. FURST COMPANY, BALTIMORE, MARYLAND

AMERICAN JOURNAL OF PHILOLOGY

VOL. LXVI, 2

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PERICLES AND HIS COLLEAGUES BETWEEN 441 AND 429 B. C.

Much has been written in recent years about the Athenian strategoi during the Periclean age.¹ To take up the question once more seems to be justified by two facts: one is the appearance of an entirely new and surprising piece of evidence, the other a conclusion, not yet drawn, or at least not yet worked out, from well-known though disputed evidence.

I

The first fact is the statement, contained in a paper by Dr. F. W. Lenz,² that Androtion's list of the strategoi for 441/0 B. C., which is preserved in a scholium on Aristeides, does not contain ten names but eleven. The source of this evidence, the *Codex Marcianus* of Aristeides in Venice, was last collated by B. Keil and Dr. Lenz. After their verification of the eleven names the fact cannot be doubted, though it is a surprising story how the list, in the reproduction by modern scholars, grew from eight (Reiske) through ten (Wilamowitz) to eleven. As it now

¹ The most comprehensive studies are by A. Krause, *Attische Strategenlisten* (1914); K. J. Beloch, *Griechische Geschichte*, II², 2, pp. 260-269; S. Accame, *Riv. di Fil.*, N.S. XIII (1935), pp. 341 ff. For the years of the war cf. also the Synchronistic Table in *C. A. H.*, V, facing p. 252. Other contributions are mentioned below. I am much indebted to Professor H. T. Wade-Gery and Professor B. D. Meritt for their helpful suggestions and corrections. The subject of this paper leads into areas which provide difficult going to the non-specialist, and I have been very fortunate in receiving some advice from these two outstanding experts.

² *T. A. P. A.*, LXXII (1941), pp. 226-232.

stands, the list, arranged in the official order of the phylai, with two men, Pericles and Glaukon, belonging to Akamantis (V), contains as a "new" member of the board the representative of Hippothontis (VIII): Δαμπίδης Πειραιεύς. In Kirchner's *Prosopographia Attica* no Athenian of this name is mentioned. The next name and deme are corrupt. Κλανκέτης, of course, is Γλανκέτης, and Ἀθηναῖος, altered by Wilamowitz into Ἀζηνιεύς (a deme of Hippothontis), has been corrected by Lenz to Ἀφιδναῖος—a very ingenious correction which provides us with a representative of the phyle still missing, Aiantis (IX).³

The list of eleven is headed by the words: τῶν δέκα στρατηγῶν τῶν ἐν Σάμφι τὰ ὀνόματα κατὰ Ἀνδροτίωνα. Lenz⁴ thinks the author of the scholium "remembered the well-known fact that the number . . . was commonly ten, and did not become conscious of the different number of names in Androtion's list." This is a possible explanation. But the contrast between heading and list may be also a sign that something is wrong with the eleven names. This, for the time being, cannot be proved. But is there no particular reason for the fact that Wilamowitz overlooked the man of the eighth phyle? Is Δαμπίδης Πειραιεύς perhaps added to the original list, and does this addition represent an attempt, probably corrupt in itself, to explain or correct the corrupt next line?⁵ One would like to know more about that page of the *Marcianus*, and perhaps study a photograph. But even if there is nothing remarkable to notice in the manuscript, the odd Lampides may yet have been added to the list at an earlier stage.

If eleven strategoi were elected in 441, this could easily be explained by assuming that the people elected Pericles ἐξ ἀπάντων and his ten colleagues ἐξ ἐκάστης φυλῆς ἓνα (cf. Aristotle, Ἀθ. Πολ., 22, 2; 61, 1).⁶ Only the number of eleven would, in fact, make

³ Here as always, when there is no doubt about the phyle to which a man or a deme belongs, I do not go into details. I refer generally to the Appendix below, and to the list in Kirchner, *P. A.*, II, pp. 493-630.

⁴ *Loc. cit.*, p. 227, n. 9.

⁵ H. T. Wade-Gery suggested to me in a letter as his "provisional hypothesis" that, as Ἀθηναῖος looked odd, Πειραιεύς might be a tentative correction.

⁶ We know from *I. G.*, I², 114, lines 42 f. (cf. also Aristotle, Ἀθ. Πολ., 44, 4) that before the election a full assembly of the people (δῆμος πλεθύνον) had to decide ἡ ὁπότες ἀν δοκεῖ τοῖσι δέμοι. It was probably then that the people declared whether somebody was to be elected ἐξ ἀπάντων. Cf.

the words "one from each phyle" apply literally to the case; for since one of the phylai had two representatives, another would have to be dropped if we assume ten strategoi.⁷ This possible explanation of the procedure is, however, no confirmation.

There had been some question before the new discovery whether there were, or were not, ever more than ten regular strategoi in fifth-century Athens. Steup, at least, took two passages in Thucydides (I, 57, 6 and 116, 1) as indications of a larger number, and Lenz, naturally enough, takes these passages to confirm the number of eleven. They are the only outside support he can provide. Although they have been frequently discussed, it seems necessary to do so once more.

Thucydides, I, 116, refers to the events of the year 441/0. We learn that in the summer of 440 the Athenians went with sixty ships against Samos, but detached sixteen of them, partly to keep watch off Caria, and partly to collect reinforcements from Chios and Lesbos. Thus, with 44 ships, Περικλέους δεκάτου αὐτοῦ στρατηγοῦντος, the Athenians fought a victorious battle against the Samian fleet of seventy. Later forty more ships arrived from Athens, and twenty-five from Chios and Lesbos. The phrase τεσσαράκοντα δὲ ναυσὶ καὶ τέσσαρσι Περικλέους δεκάτου αὐτοῦ στρατηγοῦντος ἐνανμάχησαν gives at first sight the impression that Pericles was in command, together with nine colleagues, during the battle, and only during the battle.⁸ Steup points out that because of the later reinforcements there must have been more than ten strategoi. But the same objection could also be made on account of the two earlier detachments which numbered together sixteen ships. There can hardly be any doubt that some

Wade-Gery, *B. S. A.*, XXXIII (1932/33), p. 121; also *C. Q.*, XXIV (1930), p. 118.

⁷ A possible method how this was done is suggested by Wade-Gery, *C. Q.*, XXV (1931), pp. 88 f. Cf., on the other hand, Accame, *loc. cit.*, pp. 351 f., and, again quite differently, U. Kahrstedt, *Untersuchungen zur Magistratur in Athen* (1936), pp. 27 f., who declares the election ἐξ ἀπάντων out of question at this time, and W. S. Ferguson, *A. J. P.*, LIX (1938), p. 232, who thinks it possible that the law was no longer in existence "which had reserved one generalship to each phyle."

⁸ It is a well-known fact that Thucydides calls a strategos δέκατος αὐτός, or πέμπτος αὐτός, etc., if he was Commander-in-Chief with nine, four, etc., colleagues who probably were under his supreme command. Cf. Thucydides, I, 61, 1; II, 13, 1; 79, 1; III, 3, 2; 19, 1; IV, 42, 1.

of the ten strategoi were in charge of these ships; indeed we know that Sophocles was one of them, for on his way to Lesbos he met Ion in Chios.⁹ Pericles was, in fact, δέκατος αὐτός for the whole fleet of sixty ships, and Thucydides did not use the expression in the restricted sense which was suggested to Steup by the close textual connection of the phrase with the number of 44 ships. The reinforcements of forty ships were probably under command, say, of three strategoi like those of the next year which were of equal number (Thucydides, I, 117, 2).¹⁰ It would be very bold indeed to assume that the first reinforcement was commanded by one man only who thus would complete the number given in Androtion's list. The strategoi who led the first forty ships were either additional to the ten mentioned in Thucydides, I, 116—and then we have to reckon with probably thirteen strategoi that year—or part of the ten. The latter possibility is not only more likely in itself, but can be made almost certain from Thucydides, II, 13, 1. Here we read the rather emphatic words that "Pericles, the son of Xanthippos, being στρατηγὸς Ἀθηναίων δέκατος αὐτός, . . . made a speech," etc. This can only mean that in 432/1, just when the war broke out, though no particular campaign is yet mentioned, Pericles was Commander-in-Chief of all the Athenian forces. There is nothing to prevent us from assuming that Thucydides is in I, 116 also saying no more than that Pericles was Commander-in-Chief in the Samian, or rather the Samo-Byzantine, War. It will hardly ever have happened that all ten strategoi were sent out together on any campaign.¹¹ There must always have been some retained for other tasks and reinforcements. Therefore it seems possible, and indeed logical, that the Commander-in-Chief

⁹ Ion in Athenaeus, XIII, 603e. Cf. Grote, *History of Greece*, V, p. 513; A. v. Blumenthal in *R. E.*, s. v. "Sophokles," col. 1043.

¹⁰ Other combinations are, e.g., two strategoi and twenty ships (Thucydides, I, 117, 2), three and ten (Thucydides, I, 45, 2), three and twenty (Tod, *Greek Historical Inscriptions*, no. 55, lines 20-21; two in Thucydides, I, 51, 4), three and a hundred (Thucydides, II, 23, 2). It was unusual (and therefore sometimes a matter for special comment) when a contingent was commanded by one man alone as, e.g., by Kleopompos (Thucydides, II, 26) and Phormion (Thucydides, II, 68, 7); on both occasions there were thirty ships.

¹¹ Even at Arginusae there were only eight (Xenophon, *Hellenica*, I, 6, 29 f.).

for the whole theatre of war during a year was called δέκατος αὐτός, while the same expression with smaller numbers would apply to the Commanders-in-Chief in individual campaigns.¹² Thus Thucydides can by no means be claimed as a witness for a number of strategoi in 441/0 exceeding the usual ten.

It is, in a sense, different with Thucydides, I, 57, 6. Here the text of our manuscripts informs us that in 433/2 thirty ships with a thousand hoplites were sent to Poteidaia Ἀρχεστράτου τοῦ Λυκομήδους μετ' ἄλλων δέκα στρατηγούντος. Most of the editors have altered the number to δύο or δ' (= four), chiefly of course because nobody would assume eleven strategoi, but also for other reasons. According to Thucydides Archestratos' troops are the first of three contingents sent to the North; the second consists of forty ships and 2000 hoplites under Kallias πέμπτον αὐτὸν στρατηγόν (Thucydides, I, 61, 1), the third of 1600 men under Phormion (Thucydides, I, 64, 2; 65, 3). The chronology of the *Poteideatika* is a most intricate problem, and none of the many attempts to solve it avoids some conflict with the sources, either with Thucydides or with the financial document *I. G.*, I², 296.¹³ It is therefore not possible finally to decide whether the three expeditions mentioned, and of course also that of Eukrates (*I. G.*, I², 296, line 5), occurred all in the official year 432/1, or whether at least Archestratos, if not also Kallias, belongs to 433/2, which ended as late as July 13 or 14.¹⁴ It is also not certain whether Kallias' four colleagues (as I believe) went out with him, or whether Archestratos and his (two?) colleagues were among the five under Kallias, so that the latter brought only one colleague with him. All this depends on the exact chronology and on the answer to the question whether some or all of these northern campaigns were considered as separate or as

¹² Our evidence from Thucydides (see note 8, above) supports this principle, but is too limited to prove it.

¹³ The last elaborate investigation was made by A. W. Gomme, *C. R.*, LV (1941), pp. 59 ff., who cites the earlier literature. I do not feel able to accept any of the proposed schemes as final, but I believe that the issue is chiefly between Gomme and Wade-Gery (*J. H. S.*, LIII [1933], pp. 135-136). Gomme especially has made a very strong case for his view. All the earlier attempts, though useful and illuminating in questions of method and detail, are, I believe, out of the running.

¹⁴ Cf. B. D. Meritt, *Athenian Financial Documents of the Fifth Century* (1932), p. 176.

one. But whatever view may be accepted on these various points, it is utterly incredible that in the strained conditions of that year Athens should have been left bare of all her strategoi, especially for the sake of an expedition which was somewhat peripheral; Archestratos was first sent out against Perdikkas only. It is equally incredible that a total of eleven strategoi were in command of a rather modest army, which was considered sufficient only to fight Perdikkas, but not to subdue at the same time Poteidaia and the other Chalcidian towns.¹⁵ The number of eleven strategoi would be in amazing contrast to the number of five for the much stronger forces under Kallias; it was not before his arrival that serious military operations against Poteidaia became possible (Thucydides I, 62, 4 ff.). Thus both Thucydides and the epigraphical evidence confirm the belief that the words *μετ' ἄλλων δέκα* cannot be right.¹⁶

The only two passages which Lenz finds in support of his assumption of eleven strategoi have failed to give this support. Thucydides does not mention more than ten regular strategoi in any year. Neither can the higher number be supported by the fact that in both the years mentioned, in 433/2 as well as in 441/0, Pericles and Glaukon were among the strategoi.¹⁷ They appear together also in 439/8. The list for this year has been ingeniously reconstructed by Professor Wade-Gery from two fragments of an inscription (*I. G.*, I², 50).¹⁸ Even though

¹⁵ Cf. Thucydides, I, 59, 2: *νομίσαντες δὲ οἱ στρατηγοὶ ἀδύνατα εἶναι πρὸς τε Περδίκκαν πολεμεῖν τῇ παρουσίᾳ δυνάμει καὶ τὰ ξυναφεστῶτα χωρία.*

¹⁶ I must raise an objection to my own argument. Thucydides uses here an entirely unusual expression, *μετ' ἄλλων δέκα*, instead of his normal phrase (cf. note 8 above). So far as I know, no explanation has been found for this. E. Schwartz removed *δέκα* entirely from the text; but an isolated *μετ' ἄλλων* is certainly unsatisfactory. If *δέκατος αὐτός* is to indicate, as I suggested above, the supreme Commander-in-Chief, the same expression could not be used to indicate a man who led a campaign together with nine colleagues. This then would be a reason for keeping the present text. I think the argument is not strong enough, however, to carry us through against the overwhelming reasons for discrediting *δέκα*.

¹⁷ For Glaukon in 433/2 see Thucydides, I, 51, 4 and *I. G.*, I², 295 (= Tod, *op. cit.*, no. 55), lines 18-20. The text of the inscription is best read in B. D. Meritt, *Athenian Financial Documents*, pp. 69-71.

¹⁸ *Class. Phil.*, XXVI (1931), pp. 309-313. Cf. Meritt, *op. cit.*, pp. 48-56, and below, Appendix.

details may still be uncertain, there can hardly be any doubt that in this list, which has the names and the phylai of the strategoi (not the demes), there is no room for Hippothontis (VIII). This means that in 439/8 only ten strategoi were elected, though two were from the fifth phyle.

Pericles and Glaukon as representatives of Akamantis appear, so far as we know, in the lists of 441/0, 439/8, and 433/2. In 432/1 and almost certainly also in 431/0 another man besides Pericles was elected from the same phyle, the tragedian Karkinos.¹⁹ From Thucydides II, 13, 1 we learn that there was no eleventh strategos in 432/1 (above, p. 116). No total of strategoi is known for the years 433/2 and 431/0. With one year (441/0) for which we have a list of eleven but a contradictory record in Thucydides, two years (439/8 and 432/1) for which ten are certain, and with no other definite evidence, the case for the eleven does not look very promising. We cannot give a final answer, however, and therefore we merely state the facts. Perhaps one day new evidence will come to light and decide the issue. At the moment we can say only this: if we assume that in one year or another there were eleven regular strategoi,²⁰ this assumption is not supported by any source apart from Androtion's list, and has certainly nothing to do with the fact that in many years two strategoi were elected from the same phyle. The eleventh strategos, if he ever existed, was not elected to prevent the election ἐξ ἀπάντων from impairing the number of the strategoi from the phylai.

II

There is, besides Pericles and his colleagues from Akamantis, another pair of strategoi who are of special interest. Phormion and Hagnon were both strategoi in 440/39,²¹ and they both

¹⁹ Cf. Meritt, *op. cit.*, pp. 80-83, and below, note 44. For the references see the Appendix.

²⁰ The stress on "regular" means that strategoi who were elected *ad hoc* like Kleon in 425 are not included.

²¹ Thucydides, I, 117, 2. Phormion and Hagnon, together with a Thucydides, led forty ships to reinforce Pericles before Samos, and Tlempolemos and Antikles brought twenty more. Thucydides speaks only of αἱ μετὰ Θουκυδίδου καὶ Ἀγνώου καὶ Φορμίωνος νῆες, κτλ., but it is generally agreed that these men were strategoi (cf. e. g., Meritt, *op. cit.*, pp. 50 ff.). The Thucydides mentioned here is not one of the famous

belonged to Pandionis (III). This, though not a fact of absolute certainty, is what now appears to be the almost unanimous view of scholars. But if so, it has been acknowledged only recently, and some doubts seem still to be left.²² It seems therefore desirable to collect the evidence, part of which has become known only during recent years.

Hagnon was the son of Nikias (Thucydides, II, 58 and 102) and the father of the famous Theramenes (Thucydides, VIII, 68, 4 and 89, 2; Lysias, XII, 65; Xenophon, *Hell.*, II, 3, 30). His native deme was Steiria (schol. Aristophanes, *Ranae*, line 541) which belongs to Pandionis. It has sometimes been doubted whether this was the same man as the one who was already important in the 'thirties, i. e., the strategos of 440/39 and the founder of Amphipolis (437/6; Thucydides, IV, 102; V, 11). But this identity has been finally proved by the papyrus fragments of Kratinos' *Ploutoi*.²³ There is no longer any possible doubt that Hagnon belonged to Pandionis.

men of this name, and it cannot be proved that he is the son of Pantainos from Gargettos in Aigeis (schol. Aristophanes, *Vespae*, line 947; cf. *P. A.*, no. 7272). In general, see Appendix.

²² Wade-Gery was very doubtful about it as late as 1930 (*C. Q.*, XXIV [1930], p. 33), but is no longer so now. W. K. Pritchett (*A. J. P.*, LXI [1940], p. 472, n. 20) seems uncertain, and Gomme is still reluctant (*C. R.*, LV [1941], p. 62).

²³ D. L. Page, *Greek Literary Papyri* (Loeb Library), I, no. 38, pp. 196 ff. In this comedy Pericles was attacked. The fragments show only (lines 15 ff.) that Zeus, after having expelled Kronos and imprisoned the Titans, has been expelled himself—*δῆμος δὲ κρατεῖ*. I think the allusion to Pericles, possibly also to the ostracism of Thucydides, son of Melesias, is beyond doubt; moreover, the allusion is to a Pericles who was then in full power. At the same time there is preserved a curious dialogue about Hagnon (lines 25 ff.), in which one man attacks him violently, while another man not very successfully tries to defend him. One point is that Hagnon is said to be of low origin. He is called *τοῦ Στειριῶς . . . δὲ καλοῦσ'* "Ἀγνώνα νῦν, a remark which can only mean that he got his name and deme only recently. This is one of the most common reproaches of comedy to political leaders, but it would hardly be put in this way if Hagnon had already been an eminent man for a long time past. The play must therefore be dated not long after 440/39, the year of Hagnon's (presumably first) strategia. He is also called the son of a simple *φορτηγός* at the Peiraeus; this belongs to the same trend of comical denunciation. The two speakers mention his wealth. One man says: *οὗτος οὐ πλουτεῖ δικαίως ἐνθάδ'* . . . ,

The case of Phormion is not quite so clear-cut. In Pausanias, I, 23, 10, we learn that after his condemnation (of which I shall have more to say later) he went to the deme Paiania where he had some property. This deme belongs to Pandionis, but the passage may prove only that Phormion owned a house or an estate in Paiania, and not necessarily that it was his native deme.²⁴ Other evidence, however, makes the latter explanation much more plausible. Phormion, after his strategia in 440/39, led an expedition to Acarnania (Thucydides, II, 68, 1 and 7). Its date is not certain; it probably was between 439 and 435.²⁵ The seven letters of Phormion's name fill a gap in *I. G.*, I², 50, where the name of Pandionis is almost completely extant.²⁶ The supplement is not certain; Wade-Gery (who made it) pointed out to me the obvious facts that not only are seven-letter names common, but also that the number of seven depends on the merely conjectural insertion of the name Demokleides for the strategos of the preceding phyle Aigeis. The year 439/8

while the other calls him ἀρχαῖόπλουτος ἐ[ξ ἀ]ρχ[ῆς], probably a pun, turning praise into blame. Hagnon is said to have been rich not "from the beginning" but "from (his) office" (cf. Goossens, *Rev. Ét. Anc.*, XXVIII [1935], pp. 411 f.). The office he most likely could use for personal gains was that of the οἰκιστής of Amphipolis. But we do not know enough to make it sure. When we read that he got his wealth partly ἐξ [οἰκ]ῶν, partly [ἐξ ἀγρῶν], the words supplied fit very well into the caricature of a man who was the creator of a new city; but they are far from being certain. On the other hand, the stress laid upon the fact that Hagnon's wealth exists ἐνθάδε, i. e., in Athens, makes an allusion to Amphipolis less probable. Page believes that the most likely year of the play is 430, because Kratinos is anxious (lines 4 ff.) μὴ συντυχῶσι [βαρυνόμενοι] μενετοὶ κριταὶ οὐ δ[ικ]άσωσι?, and this may mean the war. A remark like this, however, may refer to other things just as well, and in 430, as Page himself stresses, Hagnon fell foul of Pericles. Although this was a few months after the theatrical performances took place, we may doubt whether at that time, when Pericles' position began to crack, Hagnon would be attacked together with him. I am sure the play must be earlier, probably shortly after 437, if not before that date. But I was probably mistaken in placing the *Ploutoi* earlier than the *Cheirones* (*People of Aristophanes*, p. 290).

²⁴ Cf. J. Kirchner, *Hermes*, XXXI (1896), p. 289; Beloch, *op. cit.*, p. 261.

²⁵ Cf. Adcock, *C. A. H.*, V, p. 475. A later date (433/2) is proposed by Wade-Gery, *J. H. S.*, LII (1932), p. 216, n. 45.

²⁶ Cf. Wade-Gery, *Class. Phil.*, XXVI (1931), pp. 309 ff. Meritt, *op. cit.*, pp. 48-56.

seems early for the expedition to Acarnania, but with regard to Phormion's later record it seems quite possible that he was strategos in more than one year between 439 and 433. Again, his name and deme (Φορμίων Παλαιεύς) complete two lines in *I. G.*, I², 296 (13 and 23), i. e., in 432/1 when, as we know from Thucydides, I, 64 ff., Phormion was strategos and went to Poteidaia. The supplement again is not beyond all doubt,²⁷ but it was accepted by all the leading epigraphists. It would be very surprising indeed if all these coincidences were mere chance. It seems entirely justifiable to ascribe Phormion to Pandionis.

Thus in 440/39 two men from the third phyle were strategoi. This is an important fact which has not yet been taken fully into account. It proves that Pericles was not the only man who might be elected ἐξ πάντων. It seems most desirable to find out whether the combination of 440/39 was repeated in later years. Some of the strategiai of each of the two men are disputed, and it will be necessary to go into further detail.

First we consider Phormion. Whether we assume that he was strategos in 433/2 depends on whether we accept Wade-Gery's argument about the first expedition to Acarnania (see note 25); there is no other evidence for this year, and, at any rate, it is irrelevant to our special investigation. In 432/1 Phormion went as strategos to Poteidaia (Thucydides, I, 64 ff.). There is not full agreement among scholars about the two following years. Kirchner (*P. A.*, s. v.) and Adcock (*C. A. H.*, V, table facing p. 252) leave out the year 431/0. But it seems certain that Phormion was still fighting in Chalcidice (Thucydides, II, 29, 6) some time after the solar eclipse of August 3rd, 431 (Thucydides, II, 28) and that he had left the district only shortly before Hagnon and Kleopompos arrived there (Thucydides, II, 58, 2; cf. III, 17, 3). We shall deal later with this date, but it was, at any rate, in summer of 430, either late in 431/0 or early in 430/29. Thus Phormion must have been strategos in 431/0.

Late in the year 430 (ἐπιγυρομένου χειμῶνος, Thucydides, II, 69, 1) he started his brilliant campaigns in the West. This date can be explained by the fact that Phormion had only come back from the North during the summer, and that the campaign which the Ambracians on their own account made against Amphilocheian

²⁷ As shown by Gomme, *loc. cit.*

Argos, and which was only half successful, occurred very late in that summer (τοῦ θέρους τελευτοῦντος, Thucydides, II, 68, 1). The Athenians had probably no reason to send Phormion to Naupaktos before the end of that campaign against Argos; the following events show that the situation was for the time being in no way urgent. During the summer of 429 Phormion won his great naval victories (Thucydides, II, 80 ff.). Early in the winter of 429 the Peloponnesians made a surprise attack on Salamis (Thucydides, II, 93 f.) and afterwards dispersed their fleet. Then Phormion made an inroad into the interior of Acarnania (Thucydides, II, 102) and returned to Athens in the spring of 428 (Thucydides, II, 103).

Whether Phormion was elected strategos in the regular way for both the years 430/29 and 429/8 is a question which can be dealt with only in connection with the well-known evidence of Androtion in the scholium on Aristophanes, *Pax*, line 347. We are told the story how at the εἰθύνη, the examination at the end of the term of office, Phormion was condemned to a fine of 100 minae; since he could not pay he went as an ἀτιμος to the country (cf. also Pausanias, I, 23, 10). When the Acarnanians wanted him as strategos he refused because of his ἀτιμία, but the Athenians, by way of a legal fiction, released him from the fine and the ἀτιμία. This story raises several questions: above all, we ask, in what year did this happen? What we need is a period after the end of a year of office in which the trial can have taken place. The law was that the εἰθύνη had to be accomplished within thirty days (Harpocration, s. v. λογισταί), and there must have been some time left for the actual trial. In Phormion's case this was possible in the summer either of 430 or of 428. While the latter date is commonly held, the earlier is maintained, e. g., by B. W. Henderson.²⁸

If we assume that the trial took place in 430 the result of the request of the Acarnanians must have been that in the autumn of 430 Phormion was given back his civil rights, elected strategos *extra numerum*, and then sent round the Peloponnesus with a

²⁸ *The Great War between Athens and Sparta* (1927), p. 111. I learn from Wade-Gery that he shares this view which had also been that of Boeckh. The view of Glotz, *Histoire Grecque*, II, p. 635, that the affair occurred in 429 is incompatible with Thucydides' evidence. Throughout the summer of 429 Phormion was in Naupaktos.

small fleet of twenty ships to settle down at Naupaktos in order to cut off Corinth and the Crisaean gulf from the West (Thucydides, II, 69, 1; 80, 4). When in the summer of 429 the Peloponnesian attack on Acarnania started and their fleet gave Phormion the slip, he proved to be entirely unable to bring any help to the Acarnanians since he could not leave Naupaktos unprotected (Thucydides, II, 81, 1). I find it very difficult to believe that this slight and ineffective Athenian effort was the whole answer to the urgent Acarnanian request, while, on the other hand, I cannot discover in the preceding events of the summer of 430 (least of all in Phormion's campaign in the North when his troops luckily escaped the plague) any reason either for the sudden mistrust of the people in Phormion or for the request of the Acarnanians.

I find it even more difficult to separate the request mentioned by Androtion from the only request mentioned by Thucydides (III, 7). Here we are told that in the summer of 428, while the war against Mytilene was being waged, and shortly before the Olympian festival in mid-August (III, 8), a fleet of thirty was sent round the Peloponnesus under Phormion's son Asopios *κελευσάντων Ἀκαρνάνων τῶν Φορμίωνός τινα σφίσι πέμψαι ἢ υἱὸν ἢ ξυγγενὴ ἄρχοντα*. This peculiar request is usually explained by the assumption that Phormion was then dead. But it seems overdoing the loyalty to their successful general and friend if we assume that the Acarnanians just asked for anybody related to Phormion, unless this "anybody" was able to use the advice of his great kinsman. It also seems much more natural to ask for a son or a relation of Phormion when an earlier attempt to procure Phormion himself had been in vain. It is very unusual indeed for an ally to specify his demand for help to the extent of asking for a particular general; it can be better understood if Phormion himself was originally asked for; he had indeed become invaluable to the Acarnanians. Thus I believe that both the requests mentioned in our sources belong together and occurred in the summer of 428. Then the shock which the Athenians had suffered by the sudden threat to Salamis and by the rumours that even the Peiraeus was in danger provides ample reason for a short-lived period of unpopularity encountered by the man who was supposed to keep off the Peloponnesian fleet. He certainly could not prevent the Peloponnesians from sending

their crews overland and using a number of obsolete vessels which happened to lie at Nisaea. But the Athenians never met this fleet which had caused a panic in the city, and it seems doubtful whether they knew whence the ships had come. Thus, after all, it is by far more likely that Phormion was accused when he came home in the spring of 428 than two years earlier.

Thucydides' reticence about Phormion's fate is difficult to explain, but that is the same whatever date and course of events we accept. The fact that he mentions the special request in the case of Asopios may indicate that he had reasons not to mention Phormion.²⁹ Usually those historians who think that Phormion's trial fell in the summer of 428 assume that he died soon after his disgrace, and that therefore Asopios was elected. But it is hard to understand why Thucydides should not have mentioned Phormion's death, and I think it is possible to strengthen this *argumentum ex silentio*.

In the text of Androtion, or rather of the scholiast, we read that after the request made by the Acarnanians Phormion οὐχ ὑπήκουσε φάσκων μὴ ἐξείναι τοῖς ἀτίμοις. A very peculiar passage indeed! How could Phormion personally refuse a request which undoubtedly was submitted to the Athenian people? We have not the right to doubt the facts which Androtion recorded, but we can be less reluctant in regard to the extract—and it is probably nothing but an extract—given by the scholiast. To me it seems most likely that Phormion's answer was given to the Athenian official who must have come to see him about this matter, and this is exactly what Pausanias (I, 23, 10) tells us, even though in a partly confused narrative. It was an answer that reflected the mood of offence and wounded feelings which must have prevailed in Phormion's mind, and it is perhaps not too hazardous to assume that this mood continued even after the withdrawal of his condemnation. At any rate, Phormion agreed to the second request (if his agreement was needed) that his son should take his place. The ἀτιμία had certainly to be removed

²⁹ This argument, and part of the following, was expounded by H. Müller-Strübing, *Aristophanes u. die historische Kritik* (1873), pp. 677 ff. If one takes the trouble to cut through the jungle of polemical and paradoxical digressions of this book, one finds now and then exceedingly clever and interesting interpretations which may not always have been given due consideration.

before Asopios could be elected.³⁰ No indication is given in our evidence that Phormion, after his civic rights had been restored, was ever strategos again. The scholiast's ἐν ἀγρῷ διέτριβε and Pausanias' ἀναχωρήσας . . . ἐνταῦθα εἶχε δίαιταν seem to indicate that his retirement was not for a few weeks only. Nor is it likely that he died soon after. When the chorus of the *Equites* (performed in the spring of 424) invoke their patron god Poseidon (lines 551 ff.), they call him "dearest of all gods both to Phormion and to the Athenians at the present moment."³¹ This is, of course, an allusion to Phormion's naval victories of 429. But the words πρὸς τὸ παρεστός seem to belong to both the phrases connected by τε—τε. This would mean that though Phormion's victories happened a few years earlier he was still alive and still the man who was wanted to win the war at sea. It is possible, however, though much less likely, that the allusion to the present moment refers only to the Athenians and not to Phormion. Then the fact that the victories belong to the past must account for the distinction; but even then the whole sentence loses most of its force if Phormion was dead in 424. I consider it at least possible that he still lived in retirement.

In later plays of Aristophanes Phormion is a sort of standing figure, the representative of the type of an austere soldier (*Pax*, line 347; *Lysistrata*, line 804; cf. also frag. 86 and Eupolis, frags. 250 ff.). In the *Equites* he seems to be more directly involved in current events. In the epirrhema of the Parabasis the knights praise their fathers' deeds in war. "Never has any-one of them counted the enemy" (line 569). Most of the editors have seen that this line has a surprising affinity to what Thucydides makes Phormion say to his soldiers (II, 88, 2). Even if the words are commonplace,³² it seems that Phormion was known to use this argument frequently: πρότερον μὲν γὰρ ἀεὶ αὐτοῖς ἔλεγε It is clearly Phormion again whom the chorus praises.³³ The *Equites* was performed after Kleon's successful

³⁰ Cf. J. Lipsius, *Att. Recht u. Rechtsverfahren*, p. 964, n. 31: "... dass die Schuld dem Phormion erlassen wurde, um die Wahl seines Sohnes Asopios zum Strategen nach dem Wunsch der Akarnanen zu ermöglichen."

³¹ Φορμίῳ τε φίλτατ' ἐκ | τῶν ἄλλων τε θεῶν Ἀθηναίοις πρὸς τὸ παρεστός.

³² Although what Demosthenes tells his soldiers (Thucydides, IV, 10, 1) is in a somewhat similar vein, it is nevertheless not the same.

³³ It is more than doubtful whether the following description of a

strategy at Pylos; he was to stand for the next election just then. As a *Κυδαθηναίος* he belonged to Pandionis. Are Aristophanes' words perhaps dictated by the wish to impress upon the people the desirability of recalling the old gentleman Phormion from his retirement rather than electing the ambitious upstart Kleon whom he attacked in this comedy as violently as ever a leading politician has been attacked? The contrast between the strategoi of old and those of today, personified in Phormion and Kleon, the son of Kleainetos who is mentioned in line 574, would gain more immediate relevance.³⁴ We cannot prove this, but it is at least possible. The fact that Phormion, whom Thucydides held in high esteem, had retired from active service may have been the reason why the historian preferred not to mention the last phase of his life. At any rate, Phormion's trial belongs in the summer of 428 after his last strategia. He therefore was a regular strategos both in 430/29 and in 429/8.

In the case of Hagnon the discussion is chiefly whether he was strategos in 431/0 and 430/29. Most scholars favour either 431/0 or both years. I have been led, partly by Wade-Gery's objections, to a different view. We may exclude as evidence the fact that in the autumn of 430 Hagnon had a share in the accusation of Pericles,³⁵ for he can have made his motion either as a strategos or as a simple citizen. We know of his and Kleopompos' unfortunate campaign to the North in the summer of 430. It was a fairly short campaign (about forty days) because the plague fell upon the troops soon after they had arrived in Chalcidice (Thucydides, II, 58). But when Hagnon returned to Athens the year 430/29 must have been well on its way.³⁶ For his departure, on the other hand, we can make the

fight, in fact a fight on land, alludes to Phormion's naval victory as Müller-Strübing (*op. cit.*, pp. 682 f.) believes, and whether *ἐν ναυφράκτῳ στρατῷ* (line 567) is said to indicate Naupaktos. Müller-Strübing's further arguments are even more fantastic, except for his hint at the elections in 424.

³⁴ If *ἐρόμενος Κλεαίνετον* is right, the generations are somewhat mixed up. Phormion was, of course, older than Kleon, but probably younger than Kleon's father. But the words are difficult, and they may be corrupt; perhaps it was not Kleainetos who is mentioned here but *ὁ Κλεαινέτου*, i. e., Kleon.

³⁵ Plutarch, *Pericles*, 32, 4 (Teubner).

³⁶ See also Diodorus, XII, 46.

following calculation. He used the forces which Pericles had brought back from Epidauros, and he set forth soon after that (εὐθύς: Thucydides, II, 58, 1). Pericles had returned shortly after the Peloponnesians had left Attica (Thucydides, II, 56, 6). The invasion of Attica began τοῦ δὲ θερος εὐθὺς ἀρχομένου (Thucydides, 47, 2), i. e., at the end of April or early in May,³⁷ and lasted for forty days (Thucydides, II, 57, 2). This brings us to a date for Hagnon's departure, at the earliest towards the end of June, but more likely in the first part of July. According to recent research³⁸ these dates belong to the year 431/0. Thus the whole chronological building I try to erect seems shattered. For a strategia of Hagnon in 431/0 would mean that there were in that year one pair of strategoi from Akamantis and another from Pandionis. This is clearly impossible. To say the least, however, it is uncertain whether the strategoi started their term of office on the first day of the civil year, i. e., on Hekatombaion 1. We know there was a second official year, the conciliar or senatorial year, which in contrast to the civil year was a solar and not a lunar year. This year was the year of the βουλή, divided into the ten prytanies. Wade-Gery has seen³⁹ that this

³⁷ In describing the plague, Thucydides mentions the warm season (ῥα ἔρος: II, 52, 1). This is reason enough for Beloch (*op. cit.*, II², 2, p. 233) to assume that θερος in Thucydides, II, 47, 2 is the hot season only, not, as is usual with Thucydides, the time from spring to autumn when campaigns were possible. He thus arrives at dates which are about three weeks later than those given here. But this means wrecking, without any forcible reason, the whole system of Thucydides' chronology; it cannot be accepted.

³⁸ Cf. Meritt, *Athenian Financial Documents*, p. 175. Meritt has kindly confirmed by letter his view that Hekatombaion 1 of 430 B. C. fell as late as on or near July 24, although the evidence of the *Anonymus Argentinensis* must be discarded (cf. *Athenian Tribute Lists*, I, p. 572, T 9). Thus Hagnon's departure would fall in the last month of 431/0.

³⁹ *C. Q.*, XXVII (1933), p. 28. It is, of course, strange that the annual replacement of the generals occurred in midsummer, i. e., in the middle of the campaigning season. But the attempt made by H. B. Mayor, *J. H. S.*, LIX (1939), pp. 45 ff., to contest the "orthodox view" and to assume a new "strategic year," beginning in spring, was convincingly refuted by Pritchett, *A. J. P.*, LXI (1940), pp. 469-474. I do not think there is a rational explanation for the date, apart from the coincidence with Prytany I, 1, which may have been desirable for administrative reasons. But this is only one of many contradictions to common sense in the constitutional life of Athens, and the fact that the

was the secular year of the new democracy and its institutions, as opposed to the lunar year of the old religious state and its institutions, such as the archons and tamiai. He has concluded that the strategoi too followed the new secular year and entered their office with Prytany I, 1, i. e., in general, early in July.⁴⁰ This theory, which commends itself by its simplicity as well as its fundamental aspect, solves our problem perfectly. Hagnon became strategos on July 2, 430, and we have no reason to claim him for the preceding year.

This result is supported by another observation, which *vice versa* confirms the validity of Wade-Gery's theory. Hagnon and Kleopompos are called (Thucydides, II, 58, 1) *ἐυστράτηγοι ὄντες Περικλέους*. This peculiar and, in fact, unique characterisation of their position has probably to be explained in connection with the phrase used by Thucydides shortly afterwards when he introduces Pericles' last great speech: *ἔτι δ' ἐστρατήγει*. Hagnon's and Kleopompos' status as Pericles' colleagues is especially stressed because they went on their expedition shortly before he was deposed from his office, i. e., in the early months of 430/29. Thus it is most unlikely that Hagnon's departure fell in the preceding year; for then there was no point in emphasizing his being *ἐυστράτηγος* of Pericles. But he certainly was strategos in 430/29.⁴¹

We must deal also with the year 429/8. Kirchner, among others, thinks that Hagnon was then strategos. Our only evidence is Thucydides, II, 95, 3, and this passage is usually understood as if Hagnon headed the embassy to Sitalces, but had no military rank or task. What does Thucydides say? Sitalces, in his campaign against Perdikkas, brought with him Amyntas, son of Philip, as a pretender to the throne of Macedon, "and Athenian ambassadors who on this account (i. e., on account of the campaign) were present, and the leader Hagnon (*καὶ ἡγεμόνα Ἀγωνα*); for the Athenians were to assist against the Chalcidians with ships and as large an army as possible." It is with intent that I have not translated "*their* leader Hagnon," for if

strategoi could be re-elected—and certainly the more important among them were usually re-elected in war-time—was sufficient to make the scheme workable.

⁴⁰ Cf. Meritt's table in *Athenian Financial Documents*, p. 176.

⁴¹ Cf. also Accame, *loc. cit.*, p. 344, n. 4.

he was nothing but the head of the embassy it cannot easily be understood why Thucydides does not include him among those *παρόντες τούτων ἔνεκα*. And the last sentence, beginning with γάρ, makes it clear that Hagnon had something to do with the expected Athenian fleet and army. There seems to have been a very similar situation when in the winter of 426/5 Demosthenes was asked by the Acarnanians to be their "leader" (Thucydides, III, 105, 3);⁴² he was strategos and became ἡγεμών of the allied forces. Thus Hagnon may have been destined to lead the common army of Athenians and Thracians, even though we do not know how he was to share the command with king Sitalces. Nothing, in fact, came out of the whole arrangement since Athens never sent the ships and troops (Thucydides, II, 101, 1). If Hagnon, as seems probable, was to command these forces he must have been strategos. But this cannot definitely be proved.

We can now draw up the following list of double strategiai, taking also into account the other strategiai of any members of the two "pairs" we know of.⁴³

Year of Office	Two strategoi from one Phyle	Phyle	Also Strategos
441/0	Pericles, Glaukon	V	
440/39	Phormion, Hagnon	III	Pericles
439/8	Pericles, Glaukon	V	Phormion?
433/2	Pericles, Glaukon	V	Phormion?
432/1	Pericles, Karkinos	V	Phormion
431/0	Pericles, Karkinos ⁴⁴	V	Phormion
430/29	Phormion, Hagnon	III	Pericles ⁴⁵
429/8	Phormion, Hagnon?	III?	Pericles

⁴² πέμπουσι δὲ καὶ ἐπὶ Δημοσθένη τὸν ἐς τὴν Αἰτωλίαν Ἀθηναίων στρατηγῶσαντα, ὅπως σφίσιν ἡγεμὼν γίγνηται. Cf. Müller-Strübing, *op. cit.*, p. 723.

⁴³ Accame, *loc. cit.*, pp. 346 ff., is, so far as I know, the only scholar who not only accepts the fact that the third phyle had sometimes the privilege, usually held by the fifth, of providing two strategoi, but also deals with it at some length. But he does not go beyond legal statements and technical assumptions. The most important, but also most obvious, is that never more than one phyle was allowed to be represented by two strategoi in the same year. It seems natural enough that there was never more than one man at the time elected ἐξ ἀπάντων.

⁴⁴ As Beloch, *op. cit.*, p. 262, saw, the drive round the Peloponnesus (Thucydides, II, 23) lasted into the year 431/0. The strategoi Karkinos, Proteas, and Sokrates were apparently re-elected for this year. Cf. Accame, *loc. cit.*, p. 347, n. 1.

⁴⁵ He was deposed in late summer or early autumn of 430 and re-elected in the spring of 429.

This list shows, of course, the prominent position of Pericles. The colleagues taken from his own phyle were of no political or military importance.⁴⁶ They did not differ essentially from most of the strategoi chosen from the other phylai. Among them, too, several were re-elected a second or third time,⁴⁷ but none of them was, so far as we know, in any way outstanding. "Iteration was much the rule in the strategia."⁴⁸ It was different with Phormion whose military genius was recognized by both Pericles and the people. But while Pericles in himself combined the politician and the general, Phormion was never interested in politics. It is perhaps for this reason that he associated himself with Hagnon who, less important as a general, was as a great administrator and diplomat the only outstanding personality among all the strategoi of these years, apart from Pericles and Phormion who alone, as we know now, were elected ἐξ ἀπάντων. Why Phormion was elected to reinforce Pericles before Samos it is not quite easy to say. Pericles had not done badly, though he had not succeeded in winning a decisive victory. In the years after the Samian War it was Phormion who led an expedition to Acarnania, just as it was he who in 432/1 made the final arrangements for the siege of Poteidaia. He had important military tasks to fulfil. Then, in 430/29, he was once again elected ἐξ ἀπάντων. The situation had become very grave, and even before the storm broke against Pericles, the people rejected him as the strategos ἐξ ἀπάντων and elected Phormion, who was, of course, re-elected after the start of his campaign in the West.

Pericles' position, as it is generally understood, can be best described in Wade-Gery's words, as "a virtual principate, expressed constitutionally by his special position amongst the strategoi."⁴⁹ This definition still holds good, even though its meaning has to be slightly modified. Pericles was the only one

⁴⁶ We should like to know how often Glaukon was Pericles' colleague during the years 438/7 to 434/3.

⁴⁷ Sokrates (I) was strategos in 441/0 and probably in 439/8; Xenophon (VII) in 441/0, 439/8, and 430/29; Tlempolemos (IX) in 440/39 and 439/8; Kleopompos probably in 431/0, certainly in 430/29; Proteas (VII) in 433/2, and together with Sokrates (II) and Karkinos (V) in 432/1 and 431/0.

⁴⁸ Wade-Gery, *C. Q.*, XXIV (1930), p. 35, n. 1.

⁴⁹ *J. H. S.*, LII (1932), p. 219.

among the strategoi who kept his office throughout the years, but Phormion too was elected frequently,⁵⁰ and Pericles was not always elected ἐξ ἀπάντων as we had naturally assumed. In at least two or three years it was the third phyle from which two strategoi came, and it was obviously Phormion who then was elected ἐξ ἀπάντων. The reasons for this choice were military rather than political. In 430, it was, according to public opinion, Pericles' strategy that was responsible for the twofold terror of invasion and plague.

It can therefore no longer be maintained that the election ἐξ ἀπάντων was simply a scheme by which Pericles made his political position legally sure. This position, it seems, was strong enough without any strict legal basis.⁵¹ Military considerations, on the other hand, sometimes overcame political leadership. Whether Pericles was wise enough himself to favour the election ἐξ ἀπάντων of an excellent general like Phormion we do not know, but I doubt it. In 440, during election time, he was absent before Samos, and in 430 his power was so shaken that he could hardly influence the elections. In 429 he was already a sick man. It cannot be decided whether the election ἐξ ἀπάντων was known before Pericles' rule, but it is not likely. If he first introduced it, as I believe, it usually, but not always, worked in his favour. I think it is safe to draw the general conclusion that even the great Pericles sometimes had to yield to the democratic principles of the state. Thucydides' famous phrase (II, 65, 9) must be recognized as slightly biased.⁵² "Democracy" and "Rule by the First Man," contrasted by Thucydides through the words λόγῳ μὲν—ἔργῳ δέ, worked, in fact, hand in hand.

APPENDIX.

LISTS OF STRATEGOI.

- 441/0. *Main evidence: Androtion in scholium on Aristides.*
Sokrates (I) (P. A., no. 13102)

⁵⁰ Again the gap in our knowledge between 438 and 433 is most regrettable.

⁵¹ Beloch's theory of the ständige Oberstrategie has once again proved not to conform to the facts. Cf. also Accame, *loc. cit.*, p. 349.

⁵² I found, some time after this was written, the same judgment expressed by John H. Finley, *Thucydides*, p. 164, who says that the phrase "should not be interpreted too strictly."

Sophocles (II) (first hypothesis of *Antigone*)

Andokides (III) (*P. A.*, no. 827)

Kreon (IV) (*P. A.*, no. 8785)

Pericles (V) (Thucydides, I, 115)

Glaukon (V) (*P. A.*, no. 3027)

Kallistratos (VI) (*P. A.*, no. 8148)

Xenophon (VII) (*P. A.*, no. 11313)

Lampides (VIII)

Glauketes (IX)

Kleitophon (X) (*P. A.*, no. 8548)

440/39. *Main evidence: Thucydides, I, 117.*

Phormion (III) (*P. A.*, no. 14958)

Hagnon (III) (*P. A.*, no. 171)

Pericles (V) (Thucydides, I, 116 f.)

Tlempolemos (IX) (*P. A.*, no. 13863)

Thucydides (see note 21 above)

Antikles (*P. A.*, no. 1051)

Epiteles (*P. A.*, no. 4953) (Tod, *op. cit.*, no. 48, line 4)

439/8. *Main evidence: I. G., I², 50.*

Sokrates ? (I) (see 441/0)

Demokleides ? (II) (*P. A.*, no. 3474)

Phormion ? (III)

CH.....¹⁰ (IV)

Pericles (V)

Glaukon (V)

Kallistratos (VI) (see 441/0)

Xenophon (VII) (see 441/0)

Tlempolemos (IX) (see 440/39)

... (X)

433/2. *Main evidence: Thucydides, I, 45 and 51, 4; Tod, op. cit., no. 55, lines 9 and 20.*

Diotimos (I) (*P. A.*, no. 4386)

Phormion ? (III)

Pericles (V)

Glaukon (V)

Lakedaimonios (VI) (*P. A.*, no. 8965)

Proteas (VII) (*P. A.*, no. 12298)

Metagenes (VIII) (*P. A.*, no. 10088)

Drakontides (IX) (*P. A.*, no. 4551)

Archestratos (*P. A.*, no. 2411) (possibly in 432/1)

432/1. *Main evidence: Thucydides, II, 23, 2; I. G., I², 296.*

Sokrates (II) (*P. A.*, no. 13099)

Phormion (III)

Pericles (V) (Thucydides, I, 139 ff.; II, 13, 1; 22, 1)

Karkinos (V)

Proteas (VI) (see 433/2)

- Eukrates (*P. A.*, no. 5759 ?)
 Kallias (*P. A.*, no. 7827) (*Thucydides*, I, 61 ff.)
- 431/0. Sokrates (II) (see 432/1)
 Phormion (III)
 Pericles (V) (*Thucydides*, II, 31; 34, 8; 55, 2)
 Karkinos (V) (see 432/1)
 Proteas (VI) (see 432/1)
 Kleopompos (*P. A.*, no. 8613) (possibly in 432/1, *Thucydides*, II, 26)
- 430/29. *Main evidence: Thucydides*, II, 69; 70, 1; 79.
 Phormion (III)
 Hagnon (III)
 Pericles (V) (*Thucydides*, II, 55 f.; 59, 3; 65, 3)
 Xenophon (VII) (see 441/0 and 439/8)
 Kleopompos (see 431/0) (*Thucydides*, II, 58)
 Melesandros (*P. A.*, no. 9803)
 Phanomachos (*P. A.*, no. 14069)
 Hestiodoros (*P. A.*, no. 5207)
- 429/8. Phormion (III)
 Hagnon ? (III)
 Pericles (V) (*Thucydides*, II, 65, 4)
 Kleippides (VI) (*P. A.*, no. 8521) (possibly in 428/7, *Thucydides*, III, 3, 2)

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A THIRTEENTH CENTURY FORMULA OF ANATHEMA.

Shortly before his death the late Hermann Kantorowicz published a book of extracts from "newly discovered juristic writings" of the twelfth or thirteenth century as contained in the Royal Manuscript 11. B. XIV of the British Museum.¹ Unfortunately Kantorowicz did not publish and thus make available to scholars the whole of the unpublished portions of the London Manuscript but he devoted most of his attention to the exposition of his own theories as to the historical significance of the manuscript and its place in the development of the medieval study of Roman law. In this field Kantorowicz had spent many years of specialized research and he attained a considerable reputation by a number of published contributions on subjects connected with problems of medieval Roman law.

Most of the material in the London Manuscript is devoted to treatises, discussions, and expositions of problems in Roman law as they were developed by the medieval glossators, but a considerable portion of the manuscript is concerned with canon law and canon law problems. Kantorowicz was evidently not a canon law scholar and he does not seem to have been familiar with the great mass of its primary sources. Too many students of the history of the study of Roman law seem to ignore the self-evident fact that it is not possible to do any sound research in the medieval period of this subject without a good working knowledge of canon law and a first-hand acquaintance with the bulk of its primary sources. Thus Kantorowicz in his discussion of the canon law material in the London Manuscript seems to have made some unfortunate errors in certain statements that he

¹ *Studies in the Glossators of the Roman Law* (Cambridge, 1938). For convenience we shall hereafter call it the London Manuscript. This manuscript is assigned to a thirteenth century date in the official catalogue: Sir George F. Warner and J. P. Gilson, *Catalogue of Western Manuscripts in the Old Royal and King's Collections* (London, 1921), I, pp. 349-351. On pp. 8, 14, 23, and elsewhere in his book, Kantorowicz argues at considerable length in his effort to establish a late twelfth century date. Is it possible that he was unconsciously influenced by the exigencies of his hypothesis whereby he seeks to demonstrate a relationship of this manuscript with King Henry II of England and to make its scribe contemporary with that monarch?

felt called upon to make and he seems to have gone far astray in his pursuit of certain alluring theories.²

Among other extracts from the London Manuscript Kantorowicz published the text of an Anathema or Excommunicatio Major.³ According to the transcription of Kantorowicz this passage reads:⁴

(11) Anat(h)ema est ecclesiastica sententia nominatim et expres(s)e facta, qua aliquis removetur a fraterna et ecclesiastica com(m)unione servati(s) iuris canonici sollemnitatibus. Debet enim sacerdos vel pontifex esse indutus suis insignibus et eum circum(s)tare duodecim sacerdotes tenentes candelas in man(ib)us, et cantantes "Qui(d) gloriaris i(n) m(alitia)?" debent eas sub pedibus exting(u)ere, dicentes sic: "Exting(u)atur memoria ip(s)ius H. de terra."

Kantorowicz developed certain theories regarding the *Notes of Master G* in which this passage occurs, and he made certain statements that seem to be unsupported by the evidence.

Thus he says:⁵

The most peculiar section (of the Notes of Master G) deals with that solemn form of excommunication and execration, the Anathema. The ritual . . . contains an unparalleled detail: the singing of the not very suitable Psalm li (lii), v. 3. This detail may have historical or local significance and may lead one day to the identification of Master G. . . . It contained a ritual detail wanting in the traditional *formulae*: the singing of a part of Psalm li (lii). This addition calls for an explanation on personal grounds, for the ritual had to fit all sorts and conditions of men; the Psalm however is directed only against the mighty

² *Op. cit.*, pp. 13-28.

³ *Op. cit.*, p. 232, 3 (*Notae G.*).

⁴ As a typographical device, to eliminate the use of a great number of unnecessary critical notes, I have taken the liberty of employing a more commonly used system, whereby missing letters are supplied in parentheses; I also supply *u* in forms of *extinguere*, and I do not make the unnecessary distinction between *i* and *j*, as Kantorowicz unaccountably does for the *Notes of Master G* in this manuscript. He makes no such distinction for the rest of the material in the manuscript. He also closely follows the spelling of the manuscript in the *Notes of Master G* and prints *transaccio*, *appellacio*, etc., but in the rest of the manuscript he normalizes the orthography and spells *transactio*, *appellatio*, etc., regardless of the reading of the manuscript. This difference in treatment of the different parts of the manuscript gives a distorted picture of its various features and their relation to each other.

⁵ *Op. cit.*, pp. 23-28.

of the earth: "Quid gloriaris in malitia, qui potens es⁶ . . . ? Propterea Deus destruet te in finem . . . Videbunt iusti et timebunt et super eum ridebunt et dicent: Ecce homo, qui non posuit Deum adiutorem suum, sed speravit in multitudine divitarum suarum." "H.," as Master G. calls the man he thus execrates, must have been rich and powerful, and "H." is the usual abbreviation for Henricus. Now there was no man on earth whom Giraldus Cambrensis execrated so fiercely as the richest and most powerful monarch of that age, King Henry II . . . This seemed to indicate that Master Giraldus agreed with Master G. in thinking that the Psalm was meant for arch-sinners like their arch-enemy "Henricus," and that both meant the same man . . . Though it seems difficult to account for these groups of facts under the assumption that Master G. was not the famous Welsh churchman G(uillaume?) of Cahors, still, it can be done . . . But even if King Henry II should be meant by both, the clergy of Cahors had in part the same reasons for hating the King as Giraldus: the diocese of Cahors in Aquitaine bordered on the possessions of the man who was generally held responsible for the blackest crime and the one most worthy of anathematization a medieval mind could conceive: the murder of a Bishop in his cathedral (A. D. 1170).

Before giving a detailed discussion of the arguments of Kantorowicz, I shall indicate two slight changes that I would make in his text.

In the last line of his text, instead of *dicentes sic*: "*Exting(u)atur*," I should punctuate *dicentes*: "*Sic exting(u)atur*," and instead of *ipsius H.* I should read *ip(s)ius N.* These changes seem to be desirable. One of them is purely editorial, as involving a matter of punctuation, and the punctuation that we suggest seems to be necessary in this formula of anathema which belongs to a large class, with well-established usage. There is also strong evidence in support of the other suggested change, namely the substitution of *N.* for *H.*

The punctuation that I propose would be in harmony with the symbolism of extinguishing the candles, trampled beneath the feet of the twelve priests, to indicate that thus the memory of the excommunicate should be extinguished. This interpretation is confirmed by the phraseology of various formulas of

⁶ Kantorowicz prejudices the case by the omission of the rest of this verse, the whole phrase being: *qui potens es in iniquitate?*

excommunication,⁷ where the following words occur: "Et sicut hae lucernae de manibus nostris proiectae hodie extinguantur, sic eorum (excommunicatorum) lucerna in aeternum extinguatur." A similar formula is found in the Chronicle of Romualdus Salernitanus⁸ as a curse on those who should violate the treaty of peace negotiated between Alexander III and Frederick I. The formula is: Sicut hae candelae extinguuntur, sic eorum qui pacem violaverint animae lumine aeternae visionis et claritate priventur.

For two reasons it seems probable that *N* rather than *H* is the proper reading, if not of the London Manuscript, at least of the text in the original statement, and that *H*. represents a simple error in transcription: 1. *N*., used in this way, is part of a set formula, occurring hundreds of times in both church ritual and in legal documents. 2. *N* and *H* were often interchanged in manuscripts, on account of their similarity in form.

The use of *N*., meaning "name to be supplied" by the one performing the ritual, is common in formulas of excommunication. It is also in general use in legal and ritual formulas from medieval times. This usage became established not later than the eighth century, and it is still employed, especially in church ritual. *Ille* was often used in the same way, and occasionally *ipse* is found with this meaning in legal and ritual formulas.

This use of *N*. began as an abbreviation for some form of *nomen*, especially for *nomine*. It is found in inscriptions at least as early as the beginning of the third century,⁹ and it may be earlier. This usage was then extended to mean "the appropriate name is to be inserted at this point by the one performing the ritual or the legal ceremony." This latter usage is found in manuscripts as early as the eighth century,¹⁰ and it becomes very common in the ninth century.¹¹ Hundreds of examples occur and it is possible to cite only a few. A typical example from a legal formula would be: Ego *N*., cum filia(*m*) *N*. de loco *N*.

⁷ As for example Migne, *Patrologia Latina* (Regino, quoted by Burchard), CXXXII, p. 362, and CXL (Burchard), p. 860.

⁸ For the year 1177, according to Migne, CXXXVIII, p. 1125, n. 243.

⁹ Dessau, nos. 2354, 2438, 5648, 9096, 9097, 9099.

¹⁰ A. Cappelli, *Diz. di Abbrev.*³ (Milano, 1929), p. 230 gives the eleventh century as the date.

¹¹ Cf. M. G. H., *Legum Sectio V, Formulae Merovingici et Karolini Aevi* (Hannover, 1886), and W. Stubbs, *Select Charters*³ (Oxford, 1908).

nomine N. in coniugium accipere . . . decrevissem . . . in loco N., hoc est in villa N.¹²

N. is often found with *ille*, and from classical times onward *ille* was frequently used with the meaning of "so-and-so," or "such-and-such," sometimes being practically equivalent to this use of N.¹³ Thus in medieval legal formulas are found such phrases as: Ego enim illi,¹⁴ Ego illi, qui commaneo villa illa, sancti illius;¹⁵ homo nomen illi alico homene nomen illo malla-vit;¹⁶ sponsa mea, filia illius, nomen illa, ego illi;¹⁷ signum domno illo rege. Ille recognovi et subscripsi. Datum die illo, anno illo, loco illo.¹⁸

Ipse is also occasionally employed in a somewhat similar fashion, but often with the additional meaning of "the afore-said." It is used sometimes with N. and sometimes alone, as: filii sororis ipsius N.,¹⁹ si ita ipsi N. et amicis eius complacuerit;²⁰ in ipso placito, ante ipso vigario, vel ante ipsos pagensis, . . . pro ipsa terra . . . in ipsa placita;²¹ vel filio ipsius N.²²

This use of N. was also employed in the conjurations and adjurations of ordeals, as: adiuro (coniuro) te, homo N.²³ adiuro te N.;²⁴ precipio tibi N.,²⁵ and many others.

This usage of N. has persisted in ritual and legal formulas to the present and it is regularly found in the Catholic ritual wherever it may be needed.²⁶ Thus in agreement with the formula in the *Decretum* of Gratian²⁷ the latest edition of the

¹² M. G. H., loc. cit., p. 388, 1 ff. Compare especially pp. 384-487 *passim* for hundreds of similar examples.

¹³ Cf. *Thes. Ling. Lat.*, s. v. *ille*. See also Du Cange s. vv. *illa* and *N*.

¹⁴ I reproduce the unsettled medieval spellings, with their confusion of inflectional forms. In this case *illi* is used as classical Latin would employ *ille*. In other passages it may be used for other forms.

¹⁵ M. G. H., loc. cit., p. 19, 13.

¹⁶ Loc. cit., p. 5, 21.

¹⁷ Loc. cit., p. 5, 1-2.

¹⁸ Loc. cit., p. 111, 24, 26.

¹⁹ Loc. cit., p. 403, 2.

²⁰ Loc. cit., p. 436, 14.

²¹ Loc. cit., p. 233, 4-6.

²² Loc. cit., p. 436, 16.

²³ Loc. cit., pp. 619, 12; 636, 16; 649, 41; 654, 1-2.

²⁴ Loc. cit., p. 644, 23.

²⁵ Loc. cit., p. 650, 25.

²⁶ Cf. the Missal and Pontifical *passim*.

²⁷ 2, 11, 3, 107.

Pontificale Romanum ²⁸ reads: . . . nos N. . . . Episcopus N., cognoscentes de crimine N., contra N. Presbyterum *vel* Diaconum *vel* Subdiaconum seu Clericum . . .

In Scottish churches today excommunication is sometimes pronounced by authority of a presbytery in a public and solemn ceremony, according to the following formula: "Whereas thou N. hast been by sufficient proof convicted (here mention the sin) and after due admonition and prayer remainest obstinate without any evidence or sign of true repentance: Therefore in the name of the Lord Jesus Christ, and before this congregation, I pronounce and declare thee N. excommunicated, . . ."

The passage from the London Manuscript, as printed by Kantorowicz, is evidently a general formula and there is no indication that it is intended to apply to some particular individual, unless the letter *H.*, or more probably *N.*, in the last line is made to refer to some specific person. The weight of the evidence is against this sort of individualized usage, even though the letter *H.* should be employed. The formula proceeds in general terms according to the conventional pattern and it would be a most extraordinary thing if at the very end this general formula should be suddenly and unexpectedly converted to a form that would make it apply only to a specified individual.

Even though it should be granted that Kantorowicz is correct in reading *H.* in the London manuscript, and if it should also be granted that the scribe of the *Notes of Master G* correctly reproduced the original, it does not necessarily follow that this *H.* is the initial letter of a proper name. There is still the possibility that *ip(s)ius H.* of the manuscript should be transcribed *ip(s)ius hominis*. This use of some form of *homo* is not unusual in legal and religious formulas, as: *veniens homo nomen illi;*²⁹ *ut ipsi (i. e. ipse) homo;*³⁰ *illi homo placetum suum adtendit;*³¹ *veniens homo nomen illi placitum suum adtendit;*³² *veniens illi . . . ante illo agente necnon et illo vel reliquis . . . interpellabat aliquo homine nomen illo . . . qui vocatur illa vila, qui aspecit ad illa. Et taliter ipsi homo dedit*

²⁸ In the ceremony of the Degradation of Clerics.

²⁹ *M. G. H.*, *loc. cit.*, p. 8, 1 and 21.

³⁰ *Loc. cit.*, p. 8, 10.

³¹ *Loc. cit.*, p. 9, 1.

³² *Loc. cit.*, p. 9, 11.

responso . . . nam terra ad illo homine numquam fodasset,³³ and many other similar cases, where *homo* refers to any indefinite individual in whose case some religious or legal form was to be applied. That this *H.* in the London Manuscript should thus be an abbreviation for *h(ominis)* is barely possible but it seems improbable, since *N.* was the letter more commonly employed in formulas of this kind. *H.* seems to be an unusual abbreviation for *homo*, but since this manuscript employs abbreviations very freely,³⁴ it is not impossible that *H.* may here stand for *H(ominis)*. The use of a capital *H.* in this case would be difficult to explain. We are taking it for granted that Kantorowicz read a capital letter here, though in his text as printed he uses capital letters for abbreviated numerals, as well as for the initial letters of proper names and the first words of sentences, even though small letters stood in the manuscript. This may be seen from a comparison of the photostat³⁵ with his transcription on p. 270, where he prints: Silvester, Constantino, .CLXX.,³⁶ .LXX., .XL., Romanus, Placuit, Christianorum, Romanorum, Deum, Christum, Constitutio (for *constitutio* of the MS), .XL., .XXXVII., Deum, Christum, although all these numerals except possibly .C. of .C. lxx are written with small letters and all of these other words begin with a small initial letter in the London Manuscript. Another slight error of transcription is found in the second line of this passage, where the manuscript reads *cum ei residentes*, while the printed transcription has *cum eis*, which should have been edited as *cum ei(s)*.

In Kantorowicz's photostatic reproduction of a page of this manuscript³⁷ no capital letter *H* occurs but *N* is found four times,³⁸ and the form of this letter *N* is so similar to the form of *H* as found in manuscripts of this period and type of script that these two letters were easily confused, just as the small *h* and the small *n* were often mistaken for each other.

From the eighth century, *H* and *N*, when written either as

³³ *Loc. cit.*, p. 13, 16-20.

³⁴ Kantorowicz, *op. cit.*, p. 13.

³⁵ *Loc. cit.*, frontispiece.

³⁶ The MS has .C. lxx, with a small capital (?) C.

³⁷ *Loc. cit.*, frontispiece.

³⁸ *Loc. cit.*, twice in the first column, lines 30 and 42, and twice in the second column, lines 25 and 33.

capitals or as small letters, resembled each other so much in form that they were often confused in the manuscripts.³⁹ There are many examples of this confusion but a few illustrations must suffice. Thus in a manuscript⁴⁰ of Cicero occurs *Hac tite* for *nacti te*.⁴¹ Manuscripts of Plautus read *domi his* for *dominis*,⁴² *nomine* for *homine(s)*,⁴³ *avenit* for *avehit*,⁴⁴ and *his cenam i* for *hisce hami*.⁴⁵

Kantorowicz identifies the quotation, "Qui(d) gloriaris," as coming from the fifty-first Psalm of the Vulgate⁴⁶ and his assumption is probably correct, though one must reckon with the rather remote possibility that the text of the London Manuscript may be correct in reading "Qui gloriaris i. m." and that these are the opening words of some hymn beginning: "Thou who dost glory, etc." In this case it becomes difficult to account for the abbreviation *i. m.*, though it may be explained on the ground that it may stand for *i(n) m(alitia)*. Since *in malitia* is regularly found in formulas of excommunication, these two words might thus be subject to the abbreviation *i. m.*

Since much of Kantorowicz's argument depends on this Psalm, it is well to quote the Vulgate text⁴⁷ of it in full, beginning with the words "Quid gloriaris." It is as follows:

3. Quid gloriaris in malitia, qui potens es in iniquitate?
4. Tota die iniustitiam cogitavit lingua tua: sicut novacula acuta fecisti dolum.
5. Dilexisti malitiam super benignitatem: iniquitatem magis quam loqui aequitatem.
6. Dilexisti omnia verba praecipitationis, lingua dolosa.
7. Propterea Deus destruet te in finem: evellet te et emigrabit te de tabernaculo tuo, et radicem tuam de terra viventium.
8. Videbunt iusti et timebunt et super eum ridebunt et dicent: "Ecce homo qui non posuit Deum adiutorem suum:

³⁹ Cf. L. Havet, *Manuel de Critique Verbale* (Paris, 1911), p. 163, no. 635.

⁴⁰ Palatinus 1513, of the eleventh century.

⁴¹ *De Finibus*, I, 14.

⁴² The reading of L, *Captivi*, 810.

⁴³ L, *Menaechmi*, 961.

⁴⁴ DF, *Rudens*, 63.

⁴⁵ DF, *Rudens*, 294.

⁴⁶ The fifty-second Psalm in English versions of the Bible.

⁴⁷ Differing somewhat from the English version, a fact that Kantorowicz seems to have ignored in his argument.

9. Sed speravit in multitudine divitiarum suarum et praevaluit in vanitate sua."

10. Ego autem, sicut oliva fructifera in domo Dei speravi in misericordia Dei in aeternum et in saeculum saeculi.

11. Confitebor tibi in saeculum quia fecisti et expectabo nomen tuum, quoniam bonum est in conspectu sanctorum tuorum.

There is no indication in the London Manuscript as to how much of this Psalm was sung in this ritual, but probably the whole of it was used, since all of it would be especially appropriate for an occasion of this kind, as I shall attempt to show.

The anathema, as part of the ceremony of excommunication, was often employed from Apostolic times by the Church, as a means of self-protection. Its use developed during the Middle Ages and it became the customary ecclesiastical weapon against certain types of lawbreakers who could not be reached in any other way. It was commonly employed as a last resort to deal with cases of flagrant and defiant contumacy, after repeated admonitions, and when all other measures had failed. Before the anathema could be pronounced, a careful investigation had to be made and the culprit had to be found unquestionably guilty of some grave crime, usually of some act of great moral turpitude or of some serious offense against the Church. The guilty party was then repeatedly admonished by the proper authority, usually by the Bishop or the Pope. If he persisted in his contumacy, he was finally warned three times with all due solemnity. If this failed, then the ceremony of *Excommunicatio Major* was performed and the Anathema was pronounced.

It is readily understandable why it was that during the Middle Ages the Church was driven to the use of this means for enforcing obedience to its commands. This would be true during most of the Middle Ages and especially during the twelfth and thirteenth centuries, the date of the London Manuscript. It was an age of violence, of robber barons and lawless rulers,⁴⁸ against whom the Church had no other effective weapon. Consequently the anathema was employed primarily against the strong and mighty, the wealthy and the influential, since it is usually possible to enforce adequate regulations against the weak and helpless without resorting to such an extreme measure as the ana-

⁴⁸ Cf. James Westfall Thompson, *Economic and Social History of the Middle Ages* (New York, 1928), pp. 666-667.

thema. This condition of affairs is reflected in the ecclesiastical legislation that was adopted from time to time and in the form of the text of most anathemas that have been preserved.

The following quotations from the *Corpus Juris Canonici* and earlier sources will give some indication of the scope and purpose of excommunication during the Middle Ages:

Itaque censuimus homicidas et falsos testes a communione ecclesiastica submovendos nisi penitencie satisfactione crimina admissa diluerint.⁴⁹

Si quis de potentibus clericum vel quemlibet pauperiorem aut religiosum expoliaverit, et mandaverit eum ad se venire episcopus ut audiatur et contempserit, . . . excommunicatus habeatur ipse donec obediat et reddat aliena.⁵⁰

The text of the formula for excommunication as contained in the *Corpus Juris Canonici* is:⁵¹

Modus et forma excommunicationis.

Debent duodecim sacerdotes episcopum circumstare et lucernas ardentes in manibus tenere quas in conclusione anathematis vel excommunicationis proicere debent in terram et conculcare pedibus; deinde epistola per parochias mittatur, continens excommunicatorum nomina et causam excommunicationis.

The following Canon⁵² of the *Decretum* indicates the character of the offenses that might be punished by excommunication:

Canonica instituta et sanctorum Patrum exempla sequentes, ecclesiarum Dei violatores N.⁵³ auctoritate Dei et iudicio Sancti Spiritus a gremio Sanctae Matris Ecclesiae et a consortio totius Christianitatis eliminamus, quoadusque resipiscant et Ecclesiae Dei satisfaciant.

The following passages are also illustrative.

⁴⁹ *Decretum*, 2, 24, 3, 20 (Ex Concilio Agatensi, cap. 37).

⁵⁰ *Decretum*, 2, 24, 3, 21 (Ex Concilio Tolletano I, cap. 11).

⁵¹ *Decretum*, 2, 11, 3, 106. The formula in this text, published about 1140 A. D., was adopted as the standard, and this general form, with the letter N., was well known as the customary one at the time when the London Manuscript was composed.

⁵² 2, 11, 3, 107 (Item ex Concilio Aurasico).

⁵³ Signifying: "Name or names to be inserted" by the one performing the ritual, as in the London Manuscript, according to my conjecture.

Communione privetur qui Romipetas et peregrinos vel mercatores molestare presumpserit.

Si quis Romipetas et peregrinos, Apostolorum limina et aliorum sanctorum oratoria visitantes, capere seu rebus quas ferunt spoliare, et mercatores novis teloneorum et pedaticorum exactionibus molestare temptaverit, donec satisfecerit, communione careat Christiana.⁵⁴

Excommunicetur qui oratores et ecclesias earumque bona et personas ibidem servientes infestare presumit.

. . . Ecclesias cum bonis suis, tam personis quam possessionibus, clericos videlicet ac monachos eorumque conversos, oratores quoque cum suis nichilominus rebus quas ferunt, tutos et sine molestia esse statuimus. Si quis autem contra hoc facere presumpserit et postquam facinus suum recognoverit, infra spacium dierum triginta competenter non emendaverit, a liminibus ecclesiae arceatur et anathematis gladio feriat.⁵⁵

Qui oratoribus, pauperibus non arma ferentibus, in malum obviaverint, excommunicentur.

Illi qui peregrinos vel oratores cuiuscumque sancti, sive clericos, sive monachos, vel feminas, aut inermes pauperes depredati fuerint, vel bona eorum rapuerint, vel in malum eis obviaverint, anathematis vinculo feriantur, nisi digne emendaverint. # 1. Pax vero illa, quam Treugam Dei dicimus, sic observetur sicut ab archiepiscopis uniuscuiusque provinciae constituta est. Qui autem eam infregerit, excommunicationi subdatur.⁵⁶

The following additional forms and phraseology of excommunication may be cited as illustrative material from sources preceding the *Corpus Juris Canonici*.

*Formulas of Excommunication:*⁵⁷

Episcopus cum excommunicare vel anathematizare aliquem infidelem pro certis et manifestis sceleribus dispositum habet, post lectionem Evangeliorum clerum et plebem ita debet alloqui: "Noverit charitas vestra, fratres mei, quod quidam vir nomine

⁵⁴ *Decretum*, 2, 24, 3, 23 (Calixtus Papa).

⁵⁵ *Decretum*, 2, 24, 3, 24 (Urbanus).

⁵⁶ *Decretum*, 2, 24, 3, 25 (Nykolaus Papa omnibus Episcopis).

⁵⁷ Migne, CXXXII, pp. 358 ff. (Regino Prumiensis Abbas, *De Eccl. Discipl.*, lib. 2).

ille⁵⁸ . . . vineam Christi, id est, Ecclesiam eius, devastare et depraedari non pertimescit, pauperes Christi, . . . violenter opprimens et interficiens, et bona eorum diripiens. . . . et in coepta malitia perseverans, . . ."⁵⁹

"Igitur quia monita nostra et crebras exhortationes contemnit, quia tertio secundum Domini praeceptum vocatus ad emendationem et poenitentiam venire despexit, . . . quia in coepta malitia . . . perseverat, . . ."⁶⁰

"Canonica instituta et sanctorum Patrum exempla sequentes, ecclesiarum Dei violatores, videlicet raptores, depraedatores, et homicidas illos . . . a Sanctae Matris Ecclesiae gremio segregamus ac perpetuae maledictionis anathemate condemnamus."⁶¹

Episcopus cum excommunicare vel anathematizare aliquem pro certis et manifestis sceleribus dispositum habet, post lectionem Evangelii, clerum et plebem ita debet alloqui:

"Noverit charitas vestra, fratres mei, quod quidam vir, nomine N., . . . Ecclesiam devastare et depraedari non pertimescit, . . . pauperes Christi . . . violenter opprimens et interficiens, et bona eorum diripiens."⁶²

"Audistis, dilectissimi, quanta et quam horrida pravitatis et iniquitatis opera, N. a diabolo instigatus perpetrare non timuerit. . . . quo modo frequenter admonitus . . . saluberrimas admonitiones . . . audire contempserit. Dominus dicit in Evangelio de tali contumaci fratre, . . ."⁶³

" . . . Ecclesiarum Dei violatores, videlicet raptores, depraedatores, et homicidas, N . . . segregamus, ac . . . condemnamus."⁶⁴

"Noverit caritas vestra, fratres mei, quod quidam vir nomine N., . . . et in incepta malicia perseverans. . . . De talibus itaque transgressoribus et sanctae religionis pacisque . . . violatoribus, praecepta Dominica et apostolica habemus. . . . quia in incepta malitia . . . perseverat."⁶⁵

⁵⁸ Meaning "so-and-so," equivalent to the use of *N.*, meaning "name to be supplied" by the one performing the ritual.

⁵⁹ CCCCVIII (Burchard, lib. 11, c. 2), Migne, CXXXII, pp. 358-359.

⁶⁰ CCCCIX (Burchard, lib. 11, c. 3), Migne, CXXXII, p. 360.

⁶¹ CCCCXII (Burchard lib. 11, c. 6), Migne, CXXXII, p. 362.

⁶² Migne, CXL, pp. 855 ff. (Burchard, *Ecclesiae Wormatensis Episcopus, Decretorum liber undecimus: De Excommunicatione*, cap. ii [Ex Concilio Rhotomagensi, cap. 3]).

⁶³ Cap. iv. Item Excommunicationis Allocutio (Ex Concil. Aurelia., cap. 1).

⁶⁴ Cap. vi, Migne, CXL, p. 859 (Ex Concilio Turonensi, cap. 2).

⁶⁵ Migne, CXXXVIII, pp. 1123-1124 (*Appendix Ad Saeculum a—Monumenta Liturgica. Ordo Excommunicationis* [Ex Cod. 277 theol. Vindobon., saec. xii vel xiii]).

Satisfactio et Emendatio et Reconciliatio Anathematizati.

... "Domine exaudi orationem meam. Et clamor meus. Praesta quaesumus Domine huic famulo tuo N. dignum poenitentiae fructum."⁶⁶

Episcopus cum excommunicare vel anathematizare aliquem ... ita debet alloqui: "Noverit charitas vestra, fratres mei, quod quidam vir nomine ille . . ."⁶⁷

Other formulas of anathema followed the same general pattern. Ordinarily there was a reading from the Scriptures, an appropriate Psalm was sung,⁶⁸ and often the church bells were rung. Some of the formulas and an account of the general procedure may be found in Du Cange.⁶⁹ The phrase "by bell, book, and candle,"⁷⁰ is derived from this ceremony, and in the Catholic Church today the ceremony of Anathema is still "by bell, book, and candle."

Thus the general type of ritual for excommunication, with the pronouncement of the Anathema, was well established. In its broad outlines it took definite form as early as the seventh century, and this form is the same as that cited by Kantorowicz from the London Manuscript.⁷¹

Furthermore, in a number of English manuscripts of the eighth to the thirteenth century there is additional evidence of great importance for some of the problems that Kantorowicz failed to solve. It is surprising that he should have completely overlooked this evidence, since it is so closely connected with the canon law material of the London Manuscript. These English manuscripts were written in Anglo-Saxon and in Latin. They contain the Anglo-Saxon laws of England and various types of legal and ritual formulas.⁷² Some of this material directly contradicts Kantorowicz's elaborate hypotheses that seem to have

⁶⁶ Migne, CXXXVIII, pp. 1125-1126.

⁶⁷ Migne, LXXXVII, p. 944 (*Ad Marculfi Formulas Appendix*).

⁶⁸ Psalms 78 (79) and 108 (109) seem to have been especial favorites.

⁶⁹ *S. v. excommunicatio*. See also H. D. Hazeltine, *Enc. of the Soc. Sciences* (New York, 1931), s. vv. *Excommunication*, and *Peace and Truce of God*, and the literature there cited.

⁷⁰ "Do to the Book (i. e. the Scriptures), quench the candle, ring the bell." Cf. E. Martène, *De antiquis ecclesiae ritibus* (Rouen, 1700-1702).

⁷¹ Cf. F. Liebermann, *Gesetze der Angelsachsen* (Halle, 1903), I, p. 432, and Martène, *op. cit.*

⁷² Liebermann, *op. cit.*, pp. 396-441.

led him so far astray, in his attempts to establish the authorship of the London Manuscript. These early English documents, with related material, may yet furnish reliable clues for the provenance and early history of the London Manuscript, and possibly for its authorship.

The legal and ritual formulas found in these English manuscripts conform to the general patterns outlined above. The employment of *N.*, as cited above, is very common in both the Anglo-Saxon and in the Latin formulaic expressions.⁷³ A few examples will illustrate this usage. Thus in the oath of fealty: *volo esse domino meo N. fidelis et credibilis et amare quod amet et absoniare quod absoniet.*⁷⁴ Similar examples may be found in judicial oaths, as for example in a formula with reference to stolen cattle: *sicut mihi furtivum est hoc pecus N. de quo loquor, quod cum N. deprehendi.*⁷⁵ *Et ipse in veritate loquor quod pecunie mee latro fuit N.*⁷⁶ A similar type is found in oaths of exculpation and compurgation, as: *in omnipotenti Deo innocens sum . . . ab ea compellatione qua N. me compellat.*⁷⁷ *In ipso Deo iusiurandum est clene et unmene quod N. iuravit.*⁷⁸ *In eo testimonio quod tunc nobiscum affuit N.*⁷⁹ *Sic asto N. in vero testimonio.*⁸⁰ Similar expressions are found in formulas for the ritual of ordeals of various types, as: *adiuro vos N.*⁸¹ *Adiuro vos homines N.*⁸² *Adiuro te, homo N.*⁸³ *Exoramus ut hunc famulum tuum N. benedicere, adiuvere, protegere, confortare, et conservare, atque sanctorum angelorum tuorum presidio vallare digneris, . . . quatinus hostem prosternere atque victoriam capessere mereatur.*⁸⁴

Likewise the ritual of excommunication, found in these English manuscripts, follows the well-established usage. Thus *N.* was regularly employed to denote the name or names to be supplied of the person or persons who were excommunicated, as:

⁷³ Only the Latin forms are cited in this paper. The corresponding Anglo-Saxon forms may be found in Liebermann, *op. cit.*, on the pages facing the Latin text.

⁷⁴ *Op. cit.*, p. 397.

⁷⁶ *Ibid.*

⁷⁵ *Ibid.*

⁷⁷ *Op. cit.*, p. 399.

⁷⁸ *Ibid.* Observe the two Anglo-Saxon words, *clene* and *unmene*, in this formula.

⁷⁹ *Ibid.*

⁸² *Op. cit.*, p. 424.

⁸⁰ *Ibid.*

⁸³ *Op. cit.*, p. 427.

⁸¹ *Op. cit.*, p. 401.

⁸⁴ *Op. cit.*, p. 431.

quidam vir nomine N., diabolo suadente.⁸⁵ Predictum pessimum virum N.⁸⁶ Excommunicamus et anathematizamus et a liminibus Sancte Dei Ecclesie sequestramus illos N.⁸⁷ Maledicimus et excommunicamus et a consortio Christianorum sequestramus temerarium depredatorem sacrarum ecclesiasticarum rerum, necnon et consentaneos, participes et adiutores huius violentissimae presumptionis N.⁸⁸ Illum (vel te) N. excommunicamus, maledicimus, anathematizamus.⁸⁹

In this collection of early English documents there are two Cambridge manuscripts of the eleventh century that definitely prescribe the singing of Psalm 51 (52), "Quid gloriaris," as part of the ritual.⁹⁰ Thus in the first of these two manuscripts, among the instructions for the participants in the ceremony of excommunication, occur the words: Tunc prosternent se omnes ad terram. Cant. "Quid gloriaris." In the other manuscript, at the end of the list of instructions occur the words: Decantetur Psalmus totus usque ad finem. "Quid gloriaris." Gloria Patri. All of these English manuscripts also follow the well-established usage in that they prescribe various Psalms⁹¹ and other scriptural passages⁹² as a part of the ritual.

From the foregoing evidence and discussion, certain results seem to emerge:

1. In the text of the Anathema cited by Kantorowicz from the London Manuscript, the punctuation should be dicentes: "Sic . . ."

2. In this same sentence, *N.* should be read instead of *H.*

3. The Psalm 51 (52) would be unusually appropriate for a

⁸⁵ *Op. cit.*, p. 432. In one of the formulas compiled by Regino, as given above, p. 145.

⁸⁶ *Op. cit.*, p. 434.

⁸⁷ *Ibid.*

⁸⁸ *Op. cit.*, p. 435.

⁸⁹ *Op. cit.*, p. 436.

⁹⁰ *Op. cit.*, pp. 435, 437.

⁹¹ Psalms 51 (cited twice), 58, 68, 77, 82 (twice), 108 (twice).

⁹² Numbers 16, 33 (three times); Deuteronomy 28, 16 (three times); 28, 18; 28, 19; 28, 26; Job 21, 14 (four times); Ezekiel 3, 18; Matthew 18, 9; 18, 15; 18, 16; 18, 17; 25, 32; 25, 41 (four times); 27, 26; Acts 5, 5; 8, 9 (twice); Romans 2, 5; 1 Corinthians 5, 11; 5, 13; 6, 10; 7, 15; 16, 22; 2 Timothy 4, 1; 2 John 10, 11 (twice); Apocalypse 5, 6-9; 14, 1-5.

ceremony of this kind. It is similar in many respects to Psalm 78 (79) which was commonly employed in rituals of excommunication.

4. The formula of Anathema published by Kantorowicz follows the regular pattern of the formulas of excommunication (Anathema) that have been preserved. It is in harmony with the purpose and scope of the ritual of Anathema as employed during the Middle Ages, in that it especially mentions the rich and the powerful who resort to violence and contumacy.

5. It is not possible to agree with the statement of Kantorowicz that this part of the London Manuscript is a "most peculiar section," and that it contains "an unparalleled detail . . . of the singing of the not very suitable Psalm li (lii)," ⁹³ since all these features were customary, and the singing of this particular Psalm was specifically enjoined by the ritual contained in at least two English manuscripts of the eleventh century.

6. There seems to be no solid foundation for the elaborate theory of Kantorowicz whereby he attempts to establish a connection of the London Manuscript with some person whose name begins with *H.*, preferably King Henry II of England.

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⁹³ *Op. cit.*, p. 23.

AERARIUM AND FISCUS DURING THE EARLY EMPIRE.

Some confusion still exists concerning the relationship between *princeps* and state in the control of public finance in the early period of the Roman Empire. This is due in part to the posthumous influence of the theory of "diarchy." So deeply was that theory originally absorbed that, although its outer structure lies demolished and abandoned, the foundations even now remain below the surface of the ground and automatically influence the shape of all subsequent theories. An attempt is here made to define the essential meaning of "state finance" and "imperial finance," and to describe their relationship, in the period from Augustus to Trajan; and the terms *aerarium* and *fiscus* will be given a connotation which is, as far as possible, consistent with the ancient evidence.¹

I. Augustus and the *Aerarium*.

*Annos undeviginti natus exercitum privato consilio et privata impensa comparavi.*² This immediately emphasizes one—and perhaps the greatest—of the initial difficulties confronting Octavian in his struggle for supremacy after the Dictator's death. Political power by now implied military support, together with the popularity purchased by wide largesse, and all the miscellaneous expenditure imposed on a careerist by the corrupt necessity of the times. Julius' bequests helped Octavian to face this difficulty and to support himself—and his credit—for some twelve years.

¹ See in general Kubitschek, *R.-E.*, I, cols. 667 ff., s. v. "*Aerarium*"; M. Rostovtzeff, *R.-E.*, VI, cols. 2385 ff., s. v. "*Fiscus*"; O. Hirschfeld, *Die Kaiserlichen Verwaltungsbeamten bis auf Diocletian* (Berlin, 1905), pp. 8 ff.; U. Wilcken, "Zu den Impensae der Res Gestae Divi Augusti," *Berl. Sitzb.*, Phil.-hist. Klasse, XXVII (1931), pp. 772 ff.; Tenney Frank, "On Augustus and the *Aerarium*," *J. R. S.*, XXIII (1933), pp. 143 ff., and the same author's *An Economic Survey of Ancient Rome*, V (Baltimore, 1940), chaps. I-III (cited hereafter as *E. S. A. R.*); H. M. Last in *J. R. S.*, XXVIII (1938), pp. 214 f., XXX (1940), p. 201. My thanks are due to Professor A. Momigliano for calling my attention to certain important references; and to my pupil, Mr. J. Simopoulos, for valuable assistance with the proofs.

² *Res Gest.*, I, 1.

Then Actium gave him the key to the riches of Egypt, or rather of Cleopatra, who in anxious foresight had ransacked the Egyptian temple-treasuries.³ Whatever the destination of the annual tribute henceforth exacted from Egypt (*infra*, p. 154), the royal treasures were Octavian's *manubiae*—the spoils of war—and it was no accident that the third and final day of the great triumph of 29 B. C., with all the panoply of Egypt in procession, was also the most magnificent.⁴ Every autocrat knows that his position depends equally upon two potentialities—ability to control troops and capacity to outbid all comers. Octavian already enjoyed the first of these advantages, and could now make good his claim to the second: this was to give him an influence in public affairs which can hardly be exaggerated. Abundant evidence enables us to measure it. The very prescript to the *Res Gestae Divi Augusti* defines that document as the record of the achievements of Augustus and of the disbursements *quas in rem publicam populumque Romanum fecit*. The great catalogue of expenditure supplies magnificent reading. First and foremost, empire-wide demobilization made it necessary to find land or gratuities for thousands of men. Dio Cassius remarks how opportunely this could at length be done ἐκ τῶν Αἰγυπτίων λαφύρων;⁵ and Augustus himself records that in 30 B. C. he spent 800 million HS on this task (another 400 million HS were to be paid out between 7 and 2 B. C.⁶) and that he thus provided for 300,000 veterans.⁷ Again, public opinion had to be conciliated. Augustus records the payment of Julius' public bequests of 300 HS a head in 44 B. C.,⁸ of 400 HS a head from the *manubiae* in 29 B. C.,⁹ of a *congiarium* of 400 HS a head in 24 B. C.,¹⁰ of *frumentationes*

³ Dio Cassius, LI, 5; 17, 6. Cf. also A. J. P., LXIII (1942), pp. 328-32. B. R. Motzo, *Caesariana et Augusta* (Rome, 1933), suggested that Octavian had previously acquired, after Caesar's assassination, both the Dictator's private reserves in cash and the greater part of the treasury of Ops.

⁴ Dio Cassius, LI, 21, 7-8: the theme was repeated in the roughly contemporary coin-type AEGYPTO CAPTA (*B. M. C., Rom. Emp.*, I, p. 106).

⁵ LI, 4, 8.

⁶ *Res Gest.*, 16, 1 ff.

⁷ *Ibid.*, 3, 3.

⁸ *Ibid.*, 15, 1 ff.; cf. Suetonius, *Aug.*, 41, Dio Cassius, XLIV, 35.

⁹ Cf. Dio Cassius, LI, 21.

¹⁰ Cf. *ibid.*, LIII, 28.

in 23 B. C.,¹¹ of a *congiarium* of 400 HS a head in 12 B. C.,¹² and of 60 denarii a head in both 5 and 2 B. C., apart from military *donativa* and the like. To this vast total must be added the cost of the very numerous temples and shrines erected by Augustus, his many repairs to public buildings, his furnishing of gifts—valued at 100 million HS—for consecration in temples, his provision of games and shows, and his work in constructing the Aqua Virgo and repairing other aqueducts.¹³ Again, in A. D. 3 he can lend 60 million HS free of interest, and can in A. D. 6 pay for the doubling of the corn-dole¹⁴ and found the *aerarium militare* (see *infra*, p. 157) with an initial endowment of 170 million HS.¹⁵ Little wonder that Dio Cassius can make Tiberius say, in his funeral eulogy upon Augustus, that he "spent his own wealth for the public needs,"¹⁶ or that Tacitus' more cynical pen can write (*ubi*) *militem donis, populum annona, cunctos dulcedine otii pellexit*.¹⁷

And this is only half the tale. For the expenditure so far recorded may all be regarded, in some sense, as private benevolence applied to objects which fell outside the strict limits of state-administration. Inside those limits, however, exactly the same is found. Four times he subsidized the *aerarium* (see *infra*).¹⁸ In 22 B. C. he temporarily took over the *cura annonae*, and by his money and his efforts stabilized it afresh.¹⁹ The roads of Italy and the cities of Asia were, alike, responsibilities of the state as a whole: yet Augustus at his own expense repairs the roads and restores the cities when earthquake has damaged them.²⁰

¹¹ Cf. *Res Gest.*, 5, 2; Suetonius, *Aug.*, 41.

¹² Cf. Dio Cassius, LIV, 29.

¹³ *Res Gest.*, 19-23; Dio Cassius, LIII, 2, 1; LIV, 11, 7; Frontinus, *De Aquis*, II, 125.

¹⁴ Dio Cassius, LV, 26, 3.

¹⁵ *Res Gest.*, 17, 2.

¹⁶ Dio Cassius, LVI, 40, 4.

¹⁷ Tacitus, *Ann.*, I, 2.

¹⁸ *Res Gest.*, 17, 1; cf. Dio Cassius, LIII, 2 (in 28 B. C., ca. 16 B. C. [cf. *B. M. C.*, *Rom. Emp.*, I, p. 15, nos. 79-81]; the other two occasions unknown).

¹⁹ *Res Gest.*, 5, 2; cf. Dio Cassius, LIV, 1, 3-4. T. Frank in *J. R. S.*, XXIII (1933), p. 143, needs caution here.

²⁰ Dio Cassius, LIII, 22, 2; LIV, 30, 3; cf. LIV, 23, 7. See also Pliny, *N. H.*, XVIII, 114 for Augustus' generosity towards Naples.

Summa pecuniae quam dedit vel in aerarium vel plebei Romanae vel dimissis militibus: denarium sexiens milliens (= 2,400 million HS).²¹ This is an appropriate summary of Augustus' private expenditure, which did not cease even with the day of his death, for his bequests, even if *non ultra civilem modum*, were sufficiently bountiful.²² The one main fact is clear and monstrosly conspicuous: Augustus was by far the richest individual in the state, and his vast wealth could even bear comparison with that of the state itself.

Attention must now be given to the state's official financial machinery, which was of long and traditional standing. The heart of it was the *aerarium Saturni*, commonly known as the *aerarium* (rendered in Greek as τὸ δημόσιον or τὰ δημόσια χρήματα), under the regular administration of quaestors. Into this treasury flowed all the revenues of the state: it was to assist the *aerarium* in its world-wide financial administration that Augustus had made his four subventions; it was the *aerarium* which, as we are expressly informed, absorbed the revenues accruing from conquered Egypt;²³ it was the *aerarium* into which the consul Sentius, apparently in an effort to tighten administration in 19 B. C., systematically directed state-income.²⁴ Accordingly, since it received all revenue, the *aerarium* bore in theory the entire responsibility for the financial administration of the state; this would, of course, include the cost of the armed forces, and the charges involved in the maintenance of all public services. We lack any definite statement to this specific effect: no formula of any kind has come down to us. But the theory is implied in all pertinent passages: we note, for example, that the *vigiles* μισθὸν φέρουσιν ἐκ τοῦ δημοσίου in A. D. 6,²⁵ and that Tiberius commended the Senate in A. D. 32 when it voted that the Praetorians should do likewise.²⁶ Moreover, in the absence of any official formula, we still possess generalizing versions of a theory of state-responsibility for state-finance. According to Dio Cassius,

²¹ *Res Gest.*, Appendix, 1.

²² Tacitus, *Ann.*, I, 8; Dio Cassius, LVI, 32; Suetonius, *Aug.*, 101.

²³ Velleius, II, 39, 2; cf. *Res Gest.*, 27, 1; Tacitus, *Ann.*, II, 59.

²⁴ Velleius, II, 92, 2.

²⁵ Dio Cassius, LV, 26, 5.

²⁶ *Ibid.*, LVIII, 18, 3.

Augustus in 27 B. C. asserted that he was "making over" (ἀποδίδωμι) to the state the ὅπλα (armed forces), ἔθνη (provinces), προσόδους (revenues), and νόμους (legislative constitution);²⁷ and Tiberius' funeral eulogy on Augustus reminded Rome that τὰ ὅπλα καὶ τὰ ἔθνη καὶ τὰ χρήματα ἐς τὸ μέσον ὑμῖν κατέθηκεν²⁸—a phrase which, from its mere repetition, savours of authenticity and presumes a formal theory in a formal document.

Augustus, indeed, possessed a nice sense of the difference between his own property and that of the state. The man who specified his manifold expenditure in the *Res Gestae* was the man who "when he had built his house, made it all state property, (either) on account of the contributions made by the people (or because he was high priest and wished to live in apartments that were at once private and public)."²⁹ Not for him was the unconcealed ruthlessness of Julius, who *monetae publicisque vectigalibus peculiares servos praeposuit*.³⁰ Nevertheless, he was morally responsible for the well-being of the Empire, and it was inevitable that he should wish to exercise some measure of control over its public finance. The record of the *Res Gestae* proves by itself the necessity for such control. It also suggests with what consummate facility this supreme imperial philanthropist acquired, by the very scale of his benefactions, a dominant influence in the administration: the same process can be observed on many a lesser plane today. What, then, were the actual and deliberate steps taken by Augustus to secure the minimum financial control necessary for the welfare of the state?

Dio's famous (and apocryphal) debate represents Maecenas as advising Octavian, in 29 B. C., to sell all the property belonging to the state (with some necessary exceptions) and to invest the proceeds at a moderate rate of interest, which should permanently endow τὸ δημόσιον.³¹ Such a course would have appeared too high-handed for Augustus. It is true that in 28 B. C. he cancelled all debts contracted to the *aerarium* before Actium;³² but,

²⁷ *Ibid.*, LIII, 9, 6.

²⁸ *Ibid.*, LVI, 39, 4.

²⁹ *Ibid.*, LV, 12, 5.

³⁰ Suetonius, *Iul.*, 76; cf. Dio Cassius, XLIII, 45, 2.

³¹ Dio Cassius, LII, 28, 3 ff.

³² *Ibid.*, LIII, 2, 3; cf. Suetonius, *Aug.*, 32.

apart from this, he preferred at first to do little more than presume some sort of supervision over the *aerarium*, waiting until 23 B. C. to introduce his main reform, by which the administration of the *aerarium* passed from the quaestors to praetors or ex-praetors known as *praetores aerarii* or *praetores ad aerarium*—men of tried ability and experience.³³ In 22 B. C., as a result of his own *curatio annonae*, he modified the conduct of the *annona*, ordering that two ex-praetors should superintend the distribution of grain;³⁴ and he entrusted the conduct of festivals to the praetors, at public expense;³⁵ the arrangements for grain-distribution were, however, revised and amplified in 18 B. C.,³⁶ and state-expenditure on shows was rescinded, as a measure of economy, in A. D. 7.³⁷ This was presumably one of the reforms effected by the board of three ex-consuls, appointed the year before, by whose advice he sought to curtail unnecessary spending.³⁸ By the end of his reign, therefore, Augustus had made deliberate innovations and had introduced prudent safeguards in the field of state-finance. It is said by Dio Cassius in two passages³⁹ that the line of demarcation between τὰ δημόσια and τὰ αὐτοκρατορικὰ χρήματα was virtually removed by Augustus. To say this, however, is to exaggerate; and we must not make the mistake of ascribing to the early years of the Principate the conditions which prevailed in Dio's day; indeed, there is no evidence which justifies us in doing so. What can be said, and said safely, is that Augustus gradually tightened his formal and actual control over state-finance until he could dictate its administration to those to whom he had entrusted it.

Once possessed of such control, Augustus would become morally accountable for the conduct of public finance; and it is clear that he recognized his responsibility. As early as 23 B. C., when

³³ Suetonius, *Aug.*, 36; Dio Cassius, LIII, 32, 2; these officials are mentioned in numerous inscriptions of this and subsequent reigns, cf. *C. I. L.*, V, 4329; VI, 1265; IX, 2845, 5645; X, 5182; XIV, 3607.

³⁴ Dio Cassius, LIV, 1, 3-4. This was outwardly no more than a change in administration; but good administration saves money, while bad wastes it.

³⁵ Dio Cassius, LIV, 2, 3-4.

³⁶ *Ibid.*, LIV, 17, 1.

³⁷ *Ibid.*, LV, 31, 4.

³⁸ *Ibid.*, LV, 25, 6.

³⁹ *Ibid.*, LIII, 16, 1; 22, 2-4.

he lay apparently dying, he had handed to his fellow-consul Piso a "list of the armed forces and of the public revenues written in a book";⁴⁰ and it would seem that he regularly published the balance-sheets of the *aerarium*.⁴¹ Finally, at his death he left the *breviarium totius imperii*, . . . *quantum pecuniae in aerario et fiscis et vectigaliorum residuis*.⁴² His control was absolute, and was consummated by his very death. We may therefore say of Augustus that, true to the pattern of most autocrats, he based his position on two main supports:

- a) Enormous private wealth, facilitating interference in (and so control of) state-finance
- b) Command of the armed forces, ensuring obedience to law and order.

In connection with the latter we should not forget the establishment of the *aerarium militare* in A. D. 6; from this were to be paid henceforth the pensions of time-expired veterans. The original endowment of 170 million HS was Augustus' own gift: future income was to be drawn from the *vicesima hereditatum* and the *centesima rerum venalium*; the proposal as a whole was made by Augustus in the Senate, and it was the Senate that voted its acceptance.⁴³

It must be strongly emphasized that there is no evidence for supposing Augustus to have absorbed any monies drawn from public revenues. There was no second treasury-of-state. On the one side stood the *aerarium*—the sole treasury—, at first supported and later also superintended by Augustus, but always under the titular control of constitutional officers. On the other side we see Augustus with his *manubiae*⁴⁴ and his *patrimonium*—in short, with his *res privata*. And though his personal property frequently impinged upon the *aerarium*, there was never at any time the faintest hint of reciprocity.

⁴⁰ *Ibid.*, LIII, 30, 2.

⁴¹ *Ibid.*, LIX, 9, 4; Suetonius, *Gaius*, 16.

⁴² Suetonius, *Aug.*, 101; cf. Tacitus, *Ann.*, I, 11, Dio Cassius, LVI, 33, 1 ff. On the *fisci* (*sic*), see *infra*, p. 161, note 73.

⁴³ *Res Gest.*, 17, 2; Dio Cassius, LV, 23, 1-2; 24, 9; 25, 5-6.

⁴⁴ Chiefly Egyptian, but swelled also by the much lesser results of Spanish, Gallic, and Dalmatian campaigns.

II. Centralization under the Julio-Claudians.

As might be expected, Augustus' general scheme for finance was continued by Tiberius, who similarly regarded the *aerarium* as the one treasury-of-state—a treasury, however, over which he must exercise a certain supervision and control. The legions, he declared, belonged to the state and not to the *princeps*:⁴⁵ that is to say, they were maintained by the *aerarium*, even if commanded by himself. Financial relief, whether of individuals or communities, was 'the responsibility of the *aerarium*, being paid *ἐκ τῶν νενομισμένων προσόδων*,⁴⁶ even if this involved overriding the wishes of the very officers of the *aerarium* itself.⁴⁷ The newly established *ludi Augustales* were to be financed by the *aerarium*;⁴⁸ and we have already noted Tiberius' approval of the Senatorial desire to pay the Praetorians out of the *aerarium*.⁴⁹ This is the true Augustan pattern, and it is matched even by its less pleasant corollaries,—the seizure of a part of Piso's property for the *aerarium* in A. D. 20,⁵⁰ the partial payment of informers from the *aerarium*,⁵¹ and the apparently savage exactions made in A. D. 21 by Corbulo to help the *aerarium* in the building of Italian roads.⁵² The *aerarium militare*, too, was firmly preserved and reinforced on the Augustan basis:⁵³ on the strict control of this and the *aerarium Saturni* depended the state's freedom from revolutionary and seditious enterprise.⁵⁴

Meanwhile, what of Tiberius' personal wealth? He inherited some 100 million HS from Augustus—a sum which had risen to 2,700 million HS at his death.⁵⁵ Though the scale of his generosity could not compare with that of Augustus, it was nevertheless notable. The devastation caused by the earthquake

⁴⁵ Dio Cassius, LVII, 2, 3.

⁴⁶ *Ibid.*, LVII, 10, 3 ff.

⁴⁷ Tacitus, *Ann.*, I, 75.

⁴⁸ *Ibid.*, I, 15.

⁴⁹ Dio Cassius, LVIII, 18, 3.

⁵⁰ Tacitus, *Ann.*, III, 17.

⁵¹ Dio Cassius, LVIII, 4, 8.

⁵² Tacitus, *Ann.*, III, 31; cf. Dio Cassius, LIX, 15, 1 ff.

⁵³ Tacitus, *Ann.*, I, 78.

⁵⁴ *Ibid.*, V, 8.

⁵⁵ Suetonius, *Gaius*, 37.

in Asia in A. D. 17 evoked a gift of 10 million HS.⁵⁶ In A. D. 19, when the price of grain was dangerously high, Tiberius subsidized the supply by paying 2 HS on every *modius*.⁵⁷ In the great financial crisis of A. D. 33, he lent 100 million HS free of interest for three years to the *aerarium*.⁵⁸ The Aventine Fire of A. D. 36 prompted another 100 million HS,—this time a gift;⁵⁹ Tiberius had also relieved the distress caused by the Caelian fire.⁶⁰ This was very handsome benevolence, even if (to adapt the phrase used by Velleius of himself) he considered *necessaria magis praetereunda quam supervacanea amplectenda*. But two obvious questions confront us. Did Tiberius preserve the strict Augustan division between τὰ δημόσια and τὰ αὐτοκρατορικὰ χρήματα? And, if he did, how did he increase nearly thirtyfold the amount which Augustus bequeathed him?

*Res suas Caesar spectatissimo cuique . . . mandabat. . . . Ademptiones bonorum aberant. Rari per Italiam Caesaris agri. . . . Intra paucos libertos domus;*⁶¹ *neque hereditatem cuiusquam adiit nisi cum amicitia meruisset.*⁶² For the first ten years it would seem that the Augustan line of demarcation was strictly maintained—and indeed emphasized by Tiberius' personal parsimony. Yet as early as A. D. 17 the symptoms of change are visible. *Bona Aemiliae Musae, locupletis intestatae, petita in fiscum, Aemilio Lepido . . . tradidit.*⁶³ What is this *fiscus*? Used in an absolute and unqualified sense, and in the singular number, the term is not found in any writer before Seneca; by Tacitus' day it is a common designation for a well-known and well-established institution. In order to avoid a long and probably confusing digression, we shall here adopt the hypothesis that *fiscus* means the personal wealth, or "privy purse,"⁶⁴ of

⁵⁶ Tacitus, *Ann.*, II, 47; Dio Cassius, LVII, 17, 7 ff.

⁵⁷ Tacitus, *Ann.*, II, 87.

⁵⁸ *Ibid.*, VI, 17; Dio Cassius, LVIII, 21, 4 f.

⁵⁹ Tacitus, *Ann.*, VI, 45; Dio Cassius, LVIII, 26, 5.

⁶⁰ Velleius, II, 130, 2.

⁶¹ Tacitus, *Ann.*, IV, 6 (A. D. 23).

⁶² *Ibid.*, II, 48 (A. D. 17).

⁶³ *Ibid.*, II, 48.

⁶⁴ To avoid any further chance of confusion, let it be noted that the phrase "privy purse" is used here and subsequently to denote the *private fortune* of the Emperor, and not (of course) in the sense cur-

the *princeps*, in a sense terminologically appropriate for Tacitus' own day, but anachronistic for the time of Tiberius; the supporting evidence for this proposition will be adduced subsequently.

We do not know who suggested that Tiberius should take personal possession of Aemilia Musa's property, or why the suggestion was made. Tiberius in any case declined it. But a more significant case occurred in A. D. 24. After the suicide of Silius, *Saevitum . . . in bona. . . Liberalitas Augusti avulsa, computatis singillatim quae fisco petebantur. Ea prima Tiberio erga pecuniam alienam diligentia fuit.*⁶⁵ Again, under A. D. 32 we read of the *bona Seiani ablata aerario ut in fiscum cogerentur*,⁶⁶ though Tacitus, writing with a knowledge of two later generations of imperial finance, scornfully adds *tamquam referret*. This, like the earlier case of Silius, was not reprehensible or entirely unnatural. From Silius Tiberius merely recovered what had proceeded from himself; and, as Tenney Frank observed, the wealth of Seianus was due in part to Tiberius' generosity.⁶⁷ The case of Sextus Marius in A. D. 33 was very different: *<aerarias>* (Ritter) *aurariasque eius, quamquam publicarentur, sibimet Tiberius seposuit.*⁶⁸ Tiberius deliberately seized rich mines which, after their owner's conviction and execution, should automatically have gone to the *aerarium* as *bona damnati*. It is true that Tiberius had good reasons for his action, for possession of the Sierra Morena mines would help him to control the price of gold and silver in connection with the coinage. But violence had now been done to the *aerarium*, and a step forward had been taken to the stage (perhaps complete a century later) when the *fiscus* claimed all mines and administered them.⁶⁹

Under Tiberius, therefore, the imperial privy purse, which had hitherto played a purely personal and non-reciprocal part—albeit a handsome one—in state finance, first began to take official place *vis-à-vis* the *aerarium*. This transformation was of course assisted by the presence in the provinces (public no less than imperial)

rent in the United Kingdom today, where it means a sum set aside from the state revenues for the personal use of the Sovereign.

⁶⁵ Tacitus, *Ann.*, IV, 20.

⁶⁶ *Ibid.*, VI, 2.

⁶⁷ *E. S. A. R.*, V, pp. 38 f.

⁶⁸ Tacitus, *Ann.*, VI, 19.

⁶⁹ Cf. *C. I. L.*, XIII, 1550 for a slave of Tiberius as *vilicus metallorum*.

of imperial procurators, whose duty it was to collect revenues from the personal property of the *princeps* in those provinces.⁷⁰ Such procurators were not, of course, entitled to deal with any except imperial property;⁷¹ but inevitably their importance was great, and was to grow: Tiberius' slave Musicus who, as *dispensator ad fiscum Gallicum provinciae Lugdunensis*, was presumably a liaison-officer supervising imperial interests in their relation to Gallic finance as a whole, possessed an imposing staff of *vicarii*;⁷² and we must suppose that he and similar officials elsewhere tended more and more to interfere actively in the general conduct of provincial *fisci*.⁷³ Imperial influence at the tap-roots of public finance would be only a prelude to greater imperial influence at the central treasury itself; and this, as we have seen, had now in any case to recognize the principle of competition with the imperial privy purse.

It is not possible to return detailed and clear-cut answers to the two questions asked above (p. 159). But the following observations are significant. *Bona vacantia* probably, and *bona damnatorum* certainly, began to swell the privy purse. The evidence of Dio Cassius⁷⁴ and of Suetonius,⁷⁵ though doubtless exaggerated and improperly analyzed, suggests a wholesale seizure for the privy purse of wealth and property which, if expropriated at all, should have passed to the *aerarium*. Moreover, after his retirement from Rome, Tiberius ceased the periodical publication

⁷⁰ Cf. Tacitus, *Ann.*, II, 47; Dio Cassius, LIII, 15, 3; also *ibid.*, LIV, 21, 3 ff., for the activities of the notorious Licinus in Gaul under Augustus, regarded by Mattingly (*B. M. C., Rom. Emp.*, I, p. cxiii) as a preliminary to the establishment of the new imperial mint for gold and silver at Lyons.

⁷¹ Tacitus, *Ann.*, IV, 15; Dio Cassius, LVII, 23, 5.

⁷² *C. I. L.*, VI, 5197.

⁷³ Provincial treasuries such as the *fiscus Gallicus* would be linked directly with the central *aerarium* (cf. Suetonius, *Aug.*, 101). The functions of the *fiscus Asiaticus* (*C. I. L.*, VI, 8570-2, 8577) and the *fiscus Alexandrinus* (*C. I. L.*, VI, 5744, 8573; XV, 7974a, 7974b; *I. L. S.*, 1518) were possibly different (see *infra*, p. 167, n. 110); and the *fiscus Iudaicus* (Josephus, *B. I.*, VII, 218; Dio Cassius, LXV, 7, 2; Suetonius, *Dom.*, 12; *B. M. C., Rom. Emp.*, III, pp. xlvii f.) was presumably established for the collection of the Jewish poll-tax under the Flavians.

⁷⁴ LVIII, 15-16.

⁷⁵ *Tib.*, 49.

of the accounts of the *aerarium*.⁷⁶ It cannot be held, therefore, that the distinction between the monies of the state and those of the *princeps* was maintained in its former clarity. How far this contributed to the swelling of Tiberius' *patrimonium* is hard to say. Tiberius' personal economy was notorious, and must have accounted for much of the increase. On the other hand it must be remembered that his *manubiae*, compared with those of Augustus, were slight and unimportant. There is some justification for supposing that the augmentation of the privy purse was due, in part at any rate, to its absorption of property hitherto claimed by the *aerarium*.

The short principate of Gaius provides little material for analysis. It began amid emphatic and encouraging protestations of a return to the Augustan model of government; and it was according to that model that the accounts of the *aerarium* were once again published.⁷⁷ Apart from this, we know only that Tiberius' personal legacy of 2,700 million HS was exhausted before Gaius' third year was complete,⁷⁸ and that he was obliged to increase taxation and to use extortion as a means of increasing revenue. Of this, some doubtless passed to the privy purse,⁷⁹ but the claims of the *aerarium* were remembered; money exacted by Corbulo for road-building was afterwards recovered *ἐκ τοῦ δημοσίου*.⁸⁰ Yet we may perhaps conjecture the growing subservience of an *aerarium* dependent on the *princeps*; for, immediately after the murder of Gaius, the consuls transferred the state's treasury under guard to the Capitol, doubtless as a part of the Senate's attempted—and short-lived—policy of independence which the unforeseen accession of Claudius so brusquely ended.⁸¹

With Claudius, indeed, the outlines of the picture become clearer; for the evidence, though it is not profuse, is eloquent and significant. Claudius' earliest financial transactions are good argument for condemning the financial methods of Gaius: in

⁷⁶ Dio Cassius, LIX, 9, 4; cf. Suetonius, *Gaius*, 16.

⁷⁷ Dio Cassius, *ibid.*; Suetonius, *ibid.*

⁷⁸ Suetonius, *Gaius*, 37; Dio Cassius, LIX, 2, 1 ff.

⁷⁹ Cf. Dio Cassius, LIX, 15, 1 ff.; 22, 3-4.

⁸⁰ *Ibid.*

⁸¹ *Ibid.*, LIX, 30, 3.

addition to refusing legacies, Claudius restored the amounts previously seized (whether for *aerarium* or privy purse, presumably) by both Tiberius and Gaius,⁸² and in A. D. 42 established a board of three ex-praetors as *πράκτορες τῶν τῷ δημοσίῳ ὀφειλομένων*.⁸³ Two years later he could initiate his main reforms. He removed the *aerarium* from the control of the praetors (who had administered it since Augustus' reform) and placed it in the charge of two quaestors; these young officials, lacking wide experience, would naturally look elsewhere—to Claudius—for guidance, but they were to hold office for three years in order to become thoroughly acquainted with their duties.⁸⁴ At the same time, the abolition of the post of *quaestor Ostiensis* removed the *frumentatio*—politically a most effective duty—from among the liabilities of the *aerarium* and placed it as a charge upon the privy purse.⁸⁵ The waning independence of the *aerarium* is soon marked by the emergence of Claudius' financial secretary Pallas, ὃ ἡ τῶν χρημάτων διοίκησις ἐμπειστέντο,—the man who was to receive 15 million HS from a "grateful" *aerarium*, and who, when dismissed early in Nero's principate, stipulated that his accounts *vis-à-vis* the *aerarium* should be considered as balanced, without the need for auditing.⁸⁶ Pallas was an imperial freedman; and the appointment showed that imperial servants had usurped the functions of state-appointed magistrates, proclaimed that the principle of imperial accountability for the *aerarium* would now be denied, and suggested that the *aerarium* and the privy purse were confused or fused beyond the hope of clear distinction. In A. D. 53 came the final step, when Claudius announced that his procurators should possess full competence and authority in all cases involving finance.⁸⁷ Claudius now

⁸² *Ibid.*, LX, 6, 3.

⁸³ *Ibid.*, LX, 10, 4.

⁸⁴ Tacitus, *Ann.*, XIII, 29; Dio Cassius, LX, 24, 1-2; Suetonius, *Claud.*, 24; *C. I. L.*, VI, 1403.

⁸⁵ Suetonius, *Claud.*, 18 and 24. Possibly, however, this was a mere outward change in administration. Tenney Frank's more general conclusions from this change (*E. S. A. R.*, V, p. 41, "all revenues from imperial provinces") may not appear acceptable; but cf. Pliny, *N. H.*, VI, 84 for at least one interesting case of the Claudian period.

⁸⁶ Dio Cassius, LXI, 30, 6b; Suetonius, *Claud.*, 28; Pliny, *Epp.*, VII, 29; VIII, 6; Tacitus, *Ann.*, XIII, 14.

⁸⁷ Tacitus, *Ann.*, XII, 60; Suetonius, *Claud.*, 12.

enjoyed open and indisputable control over public finance. And he could plead justification. His personal wealth was small,⁸⁸ and his expenditure on warfare, buildings, games, *donativa*, and *congiaria* was very heavy;⁸⁹ if the Empire was to pay its way, there must be one paymaster, and one only, whose representatives were supreme both at Rome and in the provinces. Some such theory as this lies behind the famous passage of Seneca:⁹⁰ *Caesar omnia habet, fiscus eius privata tantum ac sua: et universa in imperio eius sunt, in patrimonio propria. Quid eius sit, quid non sit, sine diminutione imperii quaeritur; nam id quoque, quod tamquam alienum abiudicatur, aliter illius est.* Seneca is here discussing the various categories of ownership. You may call your own those books which the author calls, in another sense, his; a wise man, whose personal possessions in law are *nil*, may possess the world intellectually: the *princeps* holds everything equally in his possession in virtue of his *imperium*, though his personal and private possessions are bounded by his *fiscus*. This profoundly significant passage distinguishes between responsibility for the whole and ownership of the part—between the *imperium*, which gives the *princeps* control over the *aerarium*, and the personal rights of private ownership over the money in the *fiscus*, i. e. the privy purse.

We cannot indeed be certain that Seneca's words apply to Claudius rather than to Nero. But they would be most inappropriate for the early years of Nero's principate. His initial promise, *discretam domum et rem publicam*,⁹¹ was no empty show of words, for the Senate appears to have compelled the recognition of its old prerogatives, and even of some that were new to the principate.⁹² Records of outstanding debts to the

⁸⁸ Suetonius, *Claud.*, 9.

⁸⁹ T. Frank, *E. S. A. R.*, V, p. 42.

⁹⁰ *De Ben.*, VII, 6, 3. With the contemporary use of the word *fiscus* in this passage should be compared that of *I. G.*, V², 516 = Dittenberger, *Sylloge*³, 800, which shows the city of Lycosura, in Arcadia, honouring one of its citizens in A. D. 41-2 for having paid off the city's debt to the *phoros*. This remarkable usage clearly suggests a financial organization distinct from the *aerarium*.

⁹¹ Tacitus, *Ann.*, XIII, 4.

⁹² Seen most clearly in the form of the gold and silver coinage from A. D. 54 to 60/61. This shows Nero bare-headed (i. e., as *civilis*); he

aerarium were destroyed in A. D. 55,⁹³—perhaps one result of the Senate's failure to extract the accounts of the *aerarium* from Pallas, now dismissed;⁹⁴ taxes were reduced and economy encouraged;⁹⁵ and in A. D. 56, to consummate the change, control of the *aerarium* was taken from the quaestors and given to *praefecti*—specially selected ex-*praetors*.⁹⁶

Yet it is probable that the *aerarium* was no more sound now than it had been before; the privy purse had to pay it 40 million HS in A. D. 57 *ad retinendam populi fidem*.⁹⁷ And Nero himself was beginning to dabble in economics. His abortive attempt in A. D. 58 to abolish *vectigalia*⁹⁸ and his edict that all taxation laws should be published⁹⁹ were followed in A. D. 62 by his establishment of a board of two consulars to supervise *vectigalia*;¹⁰⁰ and by this time he was regularly assisting the *aerarium* to the extent of 60 million HS a year. The familiar process thus unfolds itself again, and is accelerated in the costly and anxious years at the end of the reign. The Great Fire of Rome, with the consequent bitter need of money,¹⁰¹ the fire at Lugdunum, with his gift of 4 million HS towards relief,¹⁰² the vast sums spent upon the reception of Tiridates at Rome in A. D. 66—charged to the *aerarium*¹⁰³—and upon his establishment in Armenia,¹⁰⁴—such demands as these, apart from heavy outlay upon the normal building, games, *congiaria*, and *donativa*,

is accorded just his constitutional titles and no more; he possesses the *corona civica*, *ob cives servatos*,—the essential bond between *princeps* and state; and, most important of all, the coins are struck *ex s(enatus) c(onsulto)* for the first time since the Principate began. Cf. *B. M. C., Rom. Emp.*, I, pp. 200 ff.

⁹³ Tacitus, *Ann.*, XIII, 23.

⁹⁴ *Ibid.*, XIII, 14.

⁹⁵ Suetonius, *Nero*, 10 and 16.

⁹⁶ Tacitus, *Ann.*, XIII, 28-9; cf. *I. L. S.*, 966.

⁹⁷ Tacitus, *Ann.*, XIII, 31.

⁹⁸ *Ibid.*, XIII, 50: indirect taxes? But cf. T. Frank, *E. S. A. R.*, V, p. 42, n. 23.

⁹⁹ Tacitus, *Ann.*, XIII, 51.

¹⁰⁰ *Ibid.*, XV, 18; *I. L. S.*, 9484.

¹⁰¹ Dio Cassius, LXII, 18, 5.

¹⁰² Tacitus, *Ann.*, XVI, 13.

¹⁰³ Dio Cassius, LXIII, 1, 2 (Boiss.).

¹⁰⁴ *Ibid.*, LXIII, 6, 5 (Boiss.).

became more and more pressing until finally Nero's methods of raising money were desperate.¹⁰⁵ Nor can we suppose that, amid impending ruin, his efforts to stabilize finance were successful. The value of the property and wealth distributed by Nero—2,200 million HS—which Galba attempted to recover¹⁰⁶ prepares our minds for the huge figures of the national debt with which Vespasian was soon to be confronted.

To sum up: Augustus' Julio-Claudian successors steadily increased the measure of imperial control over the *aerarium*. It was Claudius who did this most openly; but Tiberius made a greater contribution to centralization than is generally recognized. Once the first "Senatorial" period of Nero's reign was over, the change was virtually completed;¹⁰⁷ and it is not improbable that by A. D. 68 the *aerarium* and the *fiscus* were, in practice, hardly distinguishable.

III. The Flavians and Trajan.

From the very first, Vespasian stood in dire need of money for his administration—the sum required was 40,000 million HS¹⁰⁸—and both *aerarium* and *fiscus* must have been almost empty. But of his financial reconstruction we lack detailed evidence, and it is not possible to define with certainty the parts played by *aerarium* and *fiscus* respectively. It may perhaps be assumed that the condition of the *aerarium* was such that a fresh start had to be made: Vespasian's cancellation of long-standing debts owing to it—at a time when Mucianus was doing his best to replenish it—was no act of studied philanthropy.¹⁰⁹ To the *fiscus* doubtless passed the residue of Julio-Claudian property; it is likely that

¹⁰⁵ Cf. *E. S. A. R.*, V, p. 43, n. 26; p. 57, n. 56; Dio Cassius, LXIV, 6, 2.

¹⁰⁶ Tacitus, *Hist.*, I, 20; Dio Cassius, LXIII, 3, 4c.

¹⁰⁷ The *aes* coinage of Nero from A. D. 64 onwards provides a further suggestion of imperial control over a department of public finance. Theoretically the product of the senatorial mint (and doubtless actually produced there), its tone is almost wholly imperial; and we observe for the first time a regular and deliberate application of imperial ideology to a coinage which was, in a special sense, non-imperial. The *aes* of Claudius' reign had moved in this direction; but the consummation comes with Nero.

¹⁰⁸ Suetonius, *Vesp.*, 16.

¹⁰⁹ Dio Cassius, LXV, 2, 5; 10, 2a.

Vespasian sold whatever of the real estate he could, for ready money was of greater use to him than investments.¹¹⁰ It is, however, less easy to guess the destination of the various categories of provincial revenues and of the indirect taxes.¹¹¹ We know only that taxation was generally increased and extended,¹¹² that the widespread grant of *Latinitas* to the Spanish provinces would provide constantly increasing income, that unassigned lands were surveyed and sold, and that mines were closely controlled in the imperial interest, i. e. for the *fiscus*.¹¹³ As *patronus* to his wealthy freedman Cerylus, Vespasian would not allow the privy purse to forego its reversionary interests in Cerylus' property.¹¹⁴ For the rest, detailed information is absent. We must assume that the vast national debt was greatly reduced, without being removed, and that systematic imperial control over *fiscus* and *aerarium* alike made it a matter of comparative unimportance to define the liabilities and assets of either fund. Temporarily merged, they might well be a source of confusion—evident, for example, between Dio Cassius and Suetonius, of whom the former remarks that the *aerarium* paid the salaries established in A. D. 71 for teachers of rhetoric, while the latter charges the salaries to the *fiscus*.¹¹⁵

For Domitian's reign the evidence is equally unsatisfactory; though the actual items of his expenditure have been carefully assessed and variously appraised,¹¹⁶ the mutual relationship of *aerarium* and *fiscus* is still obscure. The responsibilities of Claudius Etruscus, Domitian's secretary *a rationibus*, are the subject

¹¹⁰ Cf. T. Frank, *E. S. A. R.*, V, pp. 45 f. It is there suggested that the *Fiscus Asiaticus* and the *Fiscus Alexandrinus* owed their establishment to the widespread disposal of imperial properties in Asia and Egypt.

¹¹¹ T. Frank's discussion, *E. S. A. R.*, V, pp. 47 ff., does not appear to produce any solid evidence for the views there propounded.

¹¹² Dio Cassius, LXV, 8, 3-4; Suetonius, *Vesp.*, 16 and 23; Victor, *De Caes.*, 9, 6.

¹¹³ *C. I. L.*, II, 5181 = *I. L. S.*, 6891.

¹¹⁴ Suetonius, *Vesp.*, 23.

¹¹⁵ Dio Cassius, LXV, 12, 1a; Suetonius, *Vesp.*, 18.

¹¹⁶ *J. R. S.*, XX (1930), pp. 55 ff. (R. Syme); XXV (1935), pp. 150 ff. (C. H. V. Sutherland). Support for the latter view is given by Dorothy M. Robathan, "Domitian's 'Midas-touch'," *T. A. P. A.*, LXXIII (1942), pp. 130 ff.

of a highly interesting description by Statius,¹¹⁷ who assigns to this faithful official the immense task of generally supervising the revenues, reserves, currency, and raw materials of the Empire, together with the expenditure required for administration and public services. But there is little to add to this admittedly poetical account. At first, indeed, Domitian appears to have avoided bequests as a method of filling the *fiscus*; he also suppressed false accusers and declined to accept *bona damnatorum*.¹¹⁸ This was not to last. Expenditure increased, and once again it was necessary to find more money. It was gained—in part, at least—by the time-honoured process of spying, prosecution, and seizure.¹¹⁹ *Inopia rapax* means literally what it says: Domitian's rapacity was no mere method of punishing and terrorizing refractory senators.¹²⁰ And yet we cannot hold that Domitian extorted money for the sole benefit of the *fiscus*. For the younger Pliny, addressing his *Panegyric* to Trajan in A. D. 100, expressly rejoices that the *aerarium*, now *silens et quietum et quale ante delatores erat*, is no longer a *spoliarium civium cruentarumque praedarum saevum receptaculum*.¹²¹ Indeed, the proceeds of prosecution had swelled both treasuries alike: *locupletabant et fiscum et aerarium non tam Voconiae et Iuliae leges quam maiestatis singulare et unicum crimen eorum qui crimine vacarent*.¹²² With Domitian, then, as with Vespasian, the line of demarcation between *aerarium* and *fiscus* was only theoretical.

Perhaps Nerva attempted to make it actual. He cleared the *fiscus* of its illegal acquisitions, replacing them by the proceeds of selling his personal or imperial possessions;¹²³ and the senatorial composition of the famous Economy Commission (probably set up to reduce luxury expenditure) suggests that once more the *aerarium* was recognized as possessing its own responsibilities.¹²⁴ Formal distinction between *aerarium* and *fiscus* certainly emerged in Trajan's reign. *At fortasse non eadem severitate*

¹¹⁷ *Silvae*, III, 3.

¹¹⁸ Suetonius, *Dom.*, 9, 2-3.

¹¹⁹ *Ibid.*, 12.

¹²⁰ See *J. R. S.*, articles cited (note 116 *supra*).

¹²¹ Pliny, *Pan.*, 36, 1-2.

¹²² *Ibid.*, 42; cf. Dio Cassius, LXVIII, 2, 1-2.

¹²³ Dio Cassius, LXVIII, 2, 1-2.

¹²⁴ Pliny, *Pan.*, 62; *Epp.*, II, 1, 9.

*fiscum qua aerarium cohîbes: immo tanto maiore, quanto plus tibi licere de tuo quam de publico credis.*¹²⁵ And Frontinus describes the two gangs of workmen employed in the upkeep of aqueducts—the one maintained by the *aerarium* (its expenses were met by water-rentals worth 250,000 HS, seized by Domitian but restored by Nerva), the other supported *ex fisco*.¹²⁶ The *principatus* of Trajan and his successors was a benevolent autocracy governing through a willing bureaucracy. Imperial control of the *aerarium* had been virtually absolute since Claudius' time. It was no less absolute under Trajan; but Trajan was wise enough, and the principate was by now strong enough, to allow the *aerarium* an outward and nominal independence. The actual degree of its subservience will be instantly suggested by recollection of Trajan's vast *manubiae* from Dacia. Possessed of these, Trajan could revive and restore the false and subtle Augustan pattern of financial administration—the public *aerarium* ("free and independent") backed, guaranteed, and always guided by a *princeps* whose personal *fiscus* might bear comparison with the wealth of the state itself.¹²⁷

IV. Conclusion.

Throughout the period from Augustus to Trajan, the *aerarium* was the sole public treasury (apart from the *aerarium militare*, with its special purpose). Guided by Augustus, and controlled in an increasingly open manner by Tiberius, Claudius, and Nero, it was subsidized by all. The *fiscus*, or *fiscus Caesaris*, originated in the privy purse of Augustus; and the imperial privy purse assumed, under Tiberius, something like official status, which was openly recognized under Claudius and Nero. The dynasty of Flavian autocrats, at first confronted by financial chaos and

¹²⁵ Pliny, *Pan.*, 36, 3; cf. 36, 4.

¹²⁶ Frontinus, *De Aquis*, II, 118; cf. II, 101.

¹²⁷ Trajan's policy was adopted and completed by Hadrian, who, while he frequently professed *ita se rem publicam gesturum ut scirent populi rem esse, non propriam* (S. H. A., *Hadr.*, 8, 3) and destroyed records of debts owing to the *fiscus* and also refused to accept *bona damnatorum* for the *fiscus* (*ibid.*, 7, 5-7; *C. I. L.*, VI, 967; *B. M. C.*, *Rom. Emp.*, III, p. 417), nevertheless appointed an *advocatus fisci*—a public prosecutor for the recovery of all the many taxes which now flowed directly into the *fiscus* (S. H. A., *Hadr.*, 20, 6).

insolvency, virtually merged *aerarium* with *fiscus*, though they did not formally abolish the *aerarium*. As a result, Nerva could attempt the task of disentangling the two treasuries, and Trajan could complete it. But the *aerarium* of Trajan's day was little more than a revered vestigial relic. Officially it might rank with the *fiscus*; yet a century of increasing subservience to the *fiscus* (now vastly enriched) left it a mere municipal or regional treasury. It had surrendered the financial administration of the Empire to the *fiscus*, which by now handled the great proportion of public revenue and expenditure.

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ISOCRATES' FELLOW-RHETORICIANS.

ἀλλὰ μὴν κακῆϊνο πᾶσι φανερόν ἐστιν ὅτι παμπληθεῖς εἰσὶν οἱ παρασκευάζοντες τοὺς λόγους τοῖς ἐν τοῖς δικαστηρίοις ἀγωνιζομένοις. τούτων μὲν τοίνυν τοσούτων ὄντων, οὐδεὶς πώποτε φανήσεται μαθητῶν ἡξιωμένος, ἐγὼ δὲ πλείους εἰληφώς, ὥς φησιν ὁ κατήγορος, ἢ σύμπαντες οἱ περὶ τὴν φιλοσοφίαν διατρίβοντες
(Isocrates, XV, 41).

Many scholars believe that the early rhetoricians offered "école publique de chicane et de mensonge."¹ They make an exception only for Isocrates, whose speeches convey the impression that he is in a class by himself. At least seventeen times throughout his orations and letters he contrasts his own writings and studies with the activities of other men.² This idea often takes the formulation: my speeches are not about petty private contracts and other such nonsense but about political, Hellenic, and royal affairs of universal interest and value. This statement in itself is enough to suggest that Isocrates "was unique among educators,"³ that the other rhetoricians trained their pupils chiefly or exclusively in writing for the courts of law. Thus Dionysius of Halicarnassus, *De Isocrate*, 1, under the influence of such passages writes that Isocrates *πρῶτος ἐχώρησεν . . . ἐπὶ τοὺς πολιτικούς* (*sc. λόγους*). As further proof that litigation was the goal of the other rhetoricians it is customary among modern scholars to refer to several passages in Plato, Aristotle, and Isocrates.⁴ But questions like this should not be decided by a few isolated remarks; we must gather as many relevant passages as possible

¹ O. Navarre, *Essai sur la Rhétorique Grecque avant Aristote* (Paris, 1900), p. 177.

² II, 39; IV, 10, 11, 188; X, 5, 9-10, 13; XII, 1-2, 11, 271; XV, 1, 3, 46, 228, 276; *Epistles*, I, 9; IX, 15.

³ H. M. Hubbell, *The Influence of Isocrates on Cicero, Dionysius and Aristides* (New Haven, 1913), pp. 9-10. Similarly W. Nestle, "Spüren der Sophistik bei Isokrates," *Philol.*, LXX (1911), pp. 10-12; Navarre, *op. cit.*, p. 177; W. Süss, *Ethos* (Leipzig, 1910), p. 228; L. Spengel, *Synagoge Technon* (Stuttgart, 1828), p. 165. Isocrates himself claims uniqueness and originality, but fails to say that he differs from the rest because he is not a law-court pleader like his rivals: IV, 12; V, 108; IX, 8; X, 15; XII, 85; XV, 31, 51, 75; *Epistle*, IX, 7-8.

⁴ Especially Plato, *Phaedrus*, 261 B, Isocrates, XIII, 19-20, Aristotle, *Rhetoric*, 1354 b 26. They are discussed from this point of view by D. A. G. Hinks, "Tria Genera Causarum," *C. Q.*, XXX (1936), p. 170.

in order to detect the typical attitudes and opinions of our early sources.

Therefore, instead of discussing whether a few controversial passages in Isocrates indicate forensic instruction or refer to the rhetoricians Alcidamas and Polycrates,⁵ let us now examine all Isocrates' allusions to other rhetoricians and try to decide whether he speaks of them as teachers of forensic oratory. I have already discussed the misleading statements of Aristophanes, Plato, and Aristotle about the scope of early rhetoric⁶ and have shown how private and professional critics misrepresented even Isocrates as a teacher of litigation.⁷ We have yet to see whether the charges against his fellow-rhetoricians are equally misleading. Isocrates' remarks may prove to be a good criterion since he is anxious to distinguish himself from his rivals and therefore unlikely to exaggerate their merits. His distaste for the law-courts is well known, and we might expect him to utilize popular prejudice and to discredit his rivals by calling them dicanic teachers. If, however, he fails to call them teachers or writers of law-court speeches it would be important evidence that the only or chief goal of fourth-century rhetoric was not litigation.

Disregarding the references to teachers of eristic and special sciences, although Antisthenes, Aeschines, and Nausiphanes apparently included oratorical instruction, I find in all about seventy allusions to rhetoricians, of which twenty-eight seem definitely to indicate teachers of oratory, whereas most of the other passages refer simply to writers of one kind or another but probably also mean rhetoricians.⁸ What picture of fourth-

⁵ The basic modern discussions of this problem are summarized in M. J. Milne's *A Study in Alcidamas and his Relation to Contemporary Sophistic* (Bryn Mawr, 1924). *Isokrates und Alcidamas* by G. Walberer (Hamburg, 1938) suggests new approaches to the problem.

⁶ "The Scope of Early Rhetorical Theory," *H. S. C. P.*, LIII (1942), pp. 121-155.

⁷ "Criticisms of Isocrates and his *Φιλοσοφία*," *T. A. P. A.*, LXXIV (1943), pp. 113-133.

⁸ Teachers of oratory: (I, 3-5); II, 13, 51; IV, 50, 188-189; X, 8-18; XI, 1, 47-49; XII, 1, 16-17, (18?), 19; XIII, 9-15, 19-20; XV, 30, 41, 46-50, 147, 173, 175, 227, 231, 279-280, 285, 295, 313; *Epistles*, VI, 7; VII, 11; VIII, 9-10; IX, 15.

Other references: (I, 51); II, 8; III, 10; IV, 3, 7, 11, 14, 15, 49, 82, 186; V, 11-13, 27, 84, 94, 109; VI, 100; VIII, 95, 145; IX, 4, 8, 40;

century rhetoric do these passages give us? Do they show us the rhetoricians soliciting business in the law-courts, writing deceptive speeches for unscrupulous litigants, and instructing eager pupils in the art of chicanery? The answer seems definitely to be that they do not. I find no passage in Isocrates which states that the rhetoricians of Isocrates' own day gave any instruction at all for the courts.

The only group specifically accused of teaching forensic oratory consists of the earlier writers of *technae* who appear in Isocrates' pamphlet, *Against the Sophists* (XIII, 19-20). I have discussed elsewhere my reasons for believing that these men taught deliberative as well as forensic oratory.⁹ Isocrates here indulges in the picayune criticism characteristic of the period and attacks the earlier rhetoricians for mentioning openly that they taught litigation as well as politics. He himself reveals only by implication that his pupils could perform creditably in court.¹⁰

It is not my intention to assert that the Athenian schools, whose pupils taught the rest of the world (IV, 50; XV, 295), gave no instruction in the technique of writing dicanic speeches. Rather I am questioning the general conviction that the early rhetoricians made a business of training sycophants¹¹ and found their pupils among unscrupulous men who sought a dishonest living from the courts of law.

For instance, Wilamowitz (*Platon*, II², p. 112) apparently applies Isocrates' remarks in XIII, 19-20 to all his fellow-rhetoricians and says, "... die Techniker sich um diese (morality) gar nicht kümmerten und von der Gerichtsrede, die mit ihr nichts zu tun hat (Lysias), ausgehend den Weg zu einer Sorte von πολιτικοὶ λόγοι wiesen, die sie als Lehrer von

X, 66, 69; XII, (5?), 11, 12, 29, 35, 38, 134, 135, 199, 229, 263, 271-272; XV, 3, 25, 61, 62, 137, 155, 170, 177; *Epistles*, I, 6; II, 22; IX, 8.

⁹ *H. S. C. P.*, LIII (1942), pp. 149-151.

¹⁰ III, 4; IV, 11; XV, 2, 10, 49, 252.

¹¹ The use of the word "sycophant" by ancient and modern writers is definitely polemical and perhaps should be avoided in describing ancient legal activity. H. M. Hubbell (*A. J. P.*, LXI [1940], p. 240) points out that "practically all the denunciation of sycophants at Athens comes from the wealthy and aristocratic opponents of democracy . . . a good deal of what modern historians accept as heinous crime was really such only in the eyes of the aristocratic victims of democratic law-enforcement."

πολυπραγμοσύνη und πλεονεξία erscheinen liess, zu Sykophanten machte, die sich überall eindrängten, wo es ihnen Profit abwarf." These men are called "die gewöhnlichen Redelehrer" (p. 112) and their subject "die Künste der Advokaten" (p. 108) or "die Advokatenberedsamkeit" (p. 121). As followers of the old *techne* they include Alcidas (p. 110), Thrasymachus (p. 111), and Lysias (p. 112). Similarly, von Arnim (*Dio von Prusa*), while recognizing the higher aspirations of Protagoras, Gorgias, and Isocrates, makes several disparaging references to "die vulgären Rhetorenschulen" (especially pp. 7 and 12), which limited themselves to dicanic instruction. He says: "Da ist es denn von vornherein klar, dass die niedrigste und hausbackenste Auffassung des Bildungsideals, die von den Lehrern der gerichtlichen Beredsamkeit vertreten wird, auf den grössten Erfolg rechnen und die weiteste Verbreitung finden konnte." Yet Isocrates seems to have been the most successful teacher of his day and the recognized leader of his profession. Such statements about unknown rhetoricians seem to me to lack sufficient proof. Even Aristotle's assertion (*Rhetoric*, 1354 b 25-27) that the technographers discussed only dicanic oratory cannot be accepted at its face value. If it refers to the technographers in Isocrates, XIII, it is grossly misleading since they were long dead. But if, as is more likely, it refers to Isocrates and his followers, then it is contradicted by Isocrates' orations and must be dismissed as part of the polemic which we have discussed elsewhere.¹² No other alternative seems acceptable, for the Isocrateans seem to have made the chief technical contribution to rhetoric during this century and before Aristotle.¹³ So I believe it to be inherently improbable that higher education at Athens devoted itself to teaching shifts and dodges for the courts of law.

That only the rich could afford higher education at Athens needs little proof.¹⁴ While contrasting Athens' past with the

¹² F. Solmsen, *Die Entwicklung der aristotelischen Logik und Rhetorik* (Berlin, 1929), in his intensive study of Isocrates' relations with Plato and Aristotle describes (p. 220) Aristotle's statement as "... den stärksten und fast unsachlich zu nennenden Vorwurf aus der gegnerischen Polemik. . . ."

¹³ F. Solmsen, "The Aristotelian Tradition in Ancient Rhetoric," *A. J. P.*, LXII (1941), p. 35.

¹⁴ I have discussed this topic more fully in my article in *H. S. C. P.* (note 6 *supra*), pp. 130-131.

present Isocrates says (VII, 44-48) that the Areopagus used to encourage the poor to engage in agriculture and commerce while compelling men of means to pass their time in riding, gymnastics, hunting, and philosophy (i. e. rhetoric) instead of as now in gambling, lechery, and drinking-bouts. In the *Antidosis*, 285-288, he blames the expensive debauchery of modern youth upon the people of Athens, who believe the slanders against rhetoric and drive the young men away from higher education. It is clearly implied that the potential students were well-to-do. Since most pupils came from the upper classes at Athens and elsewhere, they naturally sought teachers who could prepare them for the careers open to men of their class. A few may have later sunk to sycophancy, just as misfortune forced Lysias, Polycrates, Demosthenes, and Isocrates to sell their skill, but the majority would seek a public career in the state or a distinguished eminence in private life (XV, 47-50, 204; XII, 30-33).

Some training in forensic oratory was an essential part of this upper-class education, not for the sake of petty litigation but as a means of self-protection and as an instrument for gaining political power. Every man spoke for himself in Athens. Law-suits often were used for attacking political opponents. Traces of this appear even in the time of Pericles and Ephialtes,¹⁵ and an important passage in Thucydides shows the close connection between the courts and political power. While laying the groundwork for the revolution of 411, Pisander solicited the support of the clubs which had been formed in Athens to aid members in law-suits and office-seeking (*ἐν δίκαις καὶ ἀρχαῖς*, Thucydides, VIII, 54, 4). Those famous and influential associations of Athenian aristocrats were mutual-aid groups for social and political (sometimes revolutionary) purposes.¹⁶ They apparently sought to counterpoise the democratic majority by means of organized minorities. Their nature reflects the educational needs of upper-class Athenians: training for polite society, political leadership, and the judicial maneuvering that politics there required. Hence even Isocrates says that his pupils will be able to write dicanic speeches (XV, 49), although he usually

¹⁵ Cf. G. M. Calhoun, *Athenian Clubs in Politics and Litigation* (Chicago, 1913), pp. 100-102; W. Aly, "Formprobleme der frühen Griechischen Prosa," *Philol.*, Supplementb. XXI (1929).

¹⁶ Cf. Calhoun, *op. cit.*, especially pp. 97-147.

stresses the political and private eminence that results from education. But it is misrepresentation when Androcles ([Demos-thenes], XXXV, 40-43) suggests that Lacritus paid a thousand drachmae to Isocrates for the art of cheating in bottomry-loans. The chief goal was politics, not chicanery.

Let us see how this general conception of ancient rhetoric fits the facts that Isocrates preserves about his fellow-teachers. The largest group of the seventy-odd references consists of twenty-six passages which connect other men with Isocrates as imitators of his previous writings, or as men engaged in the same kind of work, or as writers who may be willing to follow Isocrates' lead in the choice of subjects. Repeatedly he says that all the other teachers have borrowed from his popular *Panegyricus* and that he is the leader of all writers about concord between the Greeks and war against the Persians.¹⁷ In the *Antidosis*, 61, he even maintains that his *Panegyricus* has obliterated (!) all earlier speeches on that topic and that his present rivals silently confess their incapacity. More sweeping claims appear when Isocrates asserts that his rivals learned how to write from him and live off his speeches, which they dissect (incorrectly) for their pupils' instruction.¹⁸ They borrow his theories as well as his style (*Epistle* VI, 7-8), and even his accuser Lysimachus said (XV, 25) that he was the teacher of all the other rhetoricians. Obviously men who imitate Isocrates and borrow from his *Panegyricus* cannot be mere dicanic speech-writers.

Isocrates admits that many sophists had previously written on the same theme as his famous speech (IV, 3, 7, 15), and six times we learn that other or all rhetoricians had the same occupation as himself.¹⁹ Similarly he says (XV, 47-50) that many students spurn the empirical writers of dicanic speeches and turn to the more philosophical teachers of loftier themes, adding that he belongs to this group of teachers and enjoys a better reputation than the other members of the group. In fact the major part of the *Antidosis* (167-323) is an elaborate defense for all the rhetoricians against the popular charges that they cheated in court, wrote speeches for litigants, and taught sycophancy.

¹⁷ V, 11-13, 84, 94; XII, 13.

¹⁸ V, 27; XII, 16-17; XV, 74; *Epistle*, IX, 15.

¹⁹ XV, 147, 162, 175, 238; XII, 19; *Epistle*, VII, 11.

Isocrates reveals that his contemporaries could and did write on higher subjects than private contracts. Every time he turns to a new kind of writing he urges his rivals to follow his lead. After showing Polycrates how to write a paradoxical *encomium* for the unworthy Busiris (XI, 9) he tells his rivals to stop paradoxes and concentrate on subjects really worthy of praise like Helen (X, 12-13, 66, 69). But later (IX, 5) he advises the writers to eulogize men of their own time, not heroes of the past. Again, he urges everybody to stop writing about deposits and other nonsense and to imitate his *Panegyricus* by discussing concord among the Greeks and war against Persia (IV, 188-189; VII, 145). But in his speech to Philip (V, 12-13; cf. *Ep.*, I, 6) he protests against the folly of talking to *panegyreis*: he who talks to a crowd talks to no one; address your speeches to one man if you wish action. Those admonitions indicate that Isocrates placed his rivals on a higher plane than he did the forensic writers. His rivals were capable of lofty subjects and offered the same kind of education.

Isocrates often refers to the rhetoricians as writers on themes that are not dicanic. Ten times he alludes to their written praises of famous men like Hercules and great events like the battle of Thermopylae.²⁰ He mentions many paradoxical *encomia*, e. g. on beggars, bees, and salt.²¹ Those *epideixeis* seem to have been intended for delivery at *panegyreis* since he blames the speakers there for praising the vilest objects and the most lawless men.²² In the *Antidosis* (XV, 147) a friend contrasts Isocrates' peaceful life with the petty rivalries of the other rhetoricians and the *epideixeis* that they make in *panegyreis* and private gatherings. There is no mention of their forensic speeches. And the sophists are spoken of as writers of moral advice in the spurious first speech (I, 35); similar descriptions are suggested by Isocrates himself.²³ In short he calls them

²⁰ IV, 182, 186; V, 109; VI, 100; IX, 40; X, 14; XI, 31; XII, 35-38, 135; XV, 137.

²¹ X, 8-13 and XII, 135, 263, 271-272. I also believe that the *teratologia* in XII, 1 refers to paradoxical *encomia*; cf. my article, "Isocrates' *Genera of Prose*," *A. J. P.*, LXIV (1943), pp. 427-431.

²² V, 11-13; XII, 135, 263, 271-272; *Epistle*, I, 6.

²³ II, 12-13: virtue and wisdom can be taught; so listen to the poets and study under the sophists. III, 10: Nicocles approves all helpful discourses but prefers discussions of behavior and government. XV, 62:

speakers on many and various topics (IX, 8). They do not appear to be teachers and writers for litigants; their writings are epideictic.

But before we accept a picture of Isocrates' rivals which shows them as not unlike himself although perhaps lacking his moral and international outlook, we must examine more closely the few passages which may seem to indicate dicanic instruction by his contemporaries. There are many passages in Isocrates which refer to forensic speeches,²⁴ to writers of such speeches,²⁵ and to court-practitioners.²⁶ Few, however, suggest actual instruction.

The earliest passage which alludes to judicial training (excepting XIII, 19-20, which refers to predecessors) is found at the end of *Busiris* (XI, 48), where Isocrates suggests that Polycrates may excuse his *Defence of Busiris* by saying that it showed how to make a defense for a difficult subject and against disgraceful charges. The same might be said of Gorgias' *Helen* and *Palamedes*, but in neither instance are such paradoxical speeches sufficient proof that the author was primarily a dicanic teacher; nor is there evidence that Gorgias and Polycrates wrote actual speeches for litigants. I have discussed Gorgias elsewhere;²⁷ on the other hand, Plato and Xenophon wrote defenses for Socrates without being called dicanic teachers. No other indication remains that Polycrates gave forensic instruction, although he composed many other paradoxical *encomia*. Isocrates in the *Busiris* does not treat him as a despicable teacher of litigation. Therefore *Busiris*, 48, is insufficient evidence to prove that Polycrates was primarily a dicanic teacher or even gave such instruction.

A possible reference to more practical subjects for forensic oratory appears in the *Panegyricus* (IV, 188). Isocrates tells his fellow-teachers to imitate himself in theme and style and to stop writing "in competition with the deposit" (*πρὸς . . . τὴν παρακαταθήκην*). The latter part of this exhortation is supposed

critics of my *encomia* prefer speeches which correct mistakes and give advice for the future.

²⁴ IV, 11, 188; XII, (1?), 11, 240, 271; XV, 1, 3, 42, 46, 288, 276.

²⁵ IV, 11, 188; XV, 41-42.

²⁶ III, 2; X, 7; XIII, 243; XV, 24, 30, 38, 47, 48, 49, 237, 281.

²⁷ Cf. my article in *H. S. C. P.* (note 6 *supra*), pp. 131, 144, and *passim*.

to allude to Isocrates' own dicanic speech about a deposit (XXI). It is certainly a strange way to refer to a speech by himself, especially when he elsewhere tries hard to forget the sins of his youth,²⁸ but this passage may be evidence for forensic writing by the teachers. I shall offer another interpretation of this passage below.

In the same speech (IV, 11-13) we hear of men who object to the elaborate style and prefer the simple style of dicanic oratory even for written speeches. I agree with Walberer that this passage probably does not refer to Alcidamas since he too used an elaborate style for written speeches.²⁹ This would be an allusion to Alcidamas only if we wish to assume that Isocrates was misrepresenting his rival as an advocate of the simple style for epideictic writings. Be that as it may, I do not believe that admirers of dicanic style are necessarily teachers of dicanic oratory. Rather it would seem that "dicanic style" was either a polemical expression or a catch phrase of the time and could describe speeches in the assembly as well as in the court. In either case it was the name for the natural style of practical oratory as opposed to the elaborate style of epideictic oratory.

The meaning of the expression "dicanic style" is shown by Alcidamas' pamphlet, *On Written Speeches*. He approved of this style but clearly reveals that he himself did not write dicanic speeches for other men or teach how to write such speeches. He attacks the elaborate style as useless for practical oratory by citing the example of the forensic *logographi* (13) who try to imitate the style of improvisation even in their written speeches: their example shows the value of simple language and impromptu speech; therefore the educators should train their pupils for the simple style and for improvisation. Notice the distinction between the dicanic writers and the teachers of

²⁸ Münscher (*R. E.*, s. v. "Isocrates," col. 2156, 16-23) takes this passage as an allusion to a speech by Isocrates and implies that XXI is meant. R. J. Bonner ("Note on Isocrates' *Panegyricus* 188," *C. P.*, XV [1920], pp. 385-387) believes this to be a reference to a common theme, not to a particular speech.

²⁹ Walberer, *op. cit.*, pp. 24, 55-57. Isocrates, IV, 11, is elaborately discussed by H. Wersdörfer, *Die Philosophie des Isokrates im Spiegel ihrer Terminologie* (Leipzig, 1940), pp. 130-148. He notes Walberer's suggestion but remains undecided (p. 145): if Alcidamas is meant Isocrates is being unfair (pp. 146, 148).

extemporary speaking. Elsewhere too we find that Alcidamas takes into account the advantages of extemporary speaking for the assembly as well as for the courts (9-12, 24), usually mentioning the assembly first. In the final *protreptic* to his kind of oratory (34) he invites those who wish to become skilful rhetors (i. e. speakers in the assembly) to study improvisation. Indeed it seems obvious that while extemporary remarks have some value in court the ability to improvise is indispensable in the assembly since the subject for debate is not so limited. Memorized speeches served fairly well in litigation where there were few surprises; the unpredictable hurly-burly of Athenian assemblies demanded rhetors who could adapt themselves to every shift in sentiment. Thus deliberative oratory seems to be Alcidamas' major goal; the courts are incidental in his instruction. He also paid some attention to written epideictic speeches, but the written composition that he taught his pupils was done so merely in sport and as a side-line (*ἐν παιδιᾷ καὶ παρέργῳ*). This description of written composition cannot be a reference to forensic speeches; it seems to mean elaborate style and paradoxical subjects, like Alcidamas' own pamphlet or Plato's dialogues.³⁰ "Dicanic style," according to Alcidamas, is the logographers' written imitation of extemporary speech; that is the way of saying "simple style."

The opposition between simple writing and elaborate writing is clearly expressed in a fourth-century *Eroticus* which is preserved in the Demosthenic *corpus* (LXI) and is discussed in Wendland's *Anaximenes*. The speech often imitates Isocrates and ends with a *protreptic* to *πολιτικοὶ λόγοι* (44). In § 2 the author compares written simple style with the language of improvisation and says that only elaborate writings will last as literature (cf. Isocrates, XV, 48). This statement may be a criticism of men like those who appear in the *Panathenaicus* (11); they admire plain language even for written speeches. Wendland (pp. 73-74) disregards the explicit statement that the simple style was used in writing as well as in living speech. Unlike Isocrates, however, the author of this *Eroticus* does not call the simple style forensic, and his discussion indicates that

³⁰ Cf. Isocrates, X, 1, 11; XI, 9. Wilamowitz, *Platon*, II², p. 108, says that Plato's *Gorgias* was a paradox that no one then took seriously.

the simple style was used for other purposes as well as for dicanic oratory.

When Isocrates says "dicanic style" he is belittling his opponents. Thus in *Panegyricus*, 11, the critics who judge epideictic oratory by the standards of forensic style are clearly advocating not that Isocrates write speeches for the courts but simply that he restrain his language and write as men speak in court and assembly. Isocrates neglected to add "assembly." In all the many passages where he contrasts his magnificent manner with the simple style of petty litigation³¹ it is striking that he never mentions the language of the assembly, which was often equally simple. This scarcely means that all statesmen used the Isocratean style. Rather he apparently preferred to insinuate that only litigants used the simple style; he wished to ignore the practical training for ordinary political oratory that was offered by rhetoricians like Alcidas. He unfairly suggests that simplicity appeared only in the courts and that the alternative to his own lofty speeches is the mean oratory of litigation. Alcidas disparagingly called the grand style poetic; Isocrates calls the simple style dicanic.

This interpretation of dicanic style as simple style possibly offers a better explanation for Isocrates' awkwardly expressed remarks at the end of the *Panegyricus* about speeches on deposits: he objects simply to a style. The passage probably should be translated, "stop writing speeches on deposits."³²

This interpretation suggests how to understand the reference to simple style in the catalogue of prose *genera*³³ at the begin-

³¹ The passages are cited in note 2 *supra*.

³² The reference to dicanic oratory in IV, 11 is also obscurely phrased. Norlin in the Loeb series translates *πρὸς τοὺς ἀγῶνας τοὺς περὶ τῶν ἰδίων συμβολαίων* as (they judge Isocrates' speeches) "by the standards of the pleas made in the petty actions of the courts." So perhaps *πρὸς τὴν παρακαταθήκην* . . . *γράφοντας* in IV, 188 means not "composing orations on deposits" as Norlin translates it (similarly Münscher, cited in note 28 *supra*) but writing speeches comparable in style to forensic speeches on deposits. Otherwise one would expect the text to read: <τοὺς> (i. e. λόγους τοὺς) *πρὸς τὴν παρακαταθήκην* or *περὶ τῶν παρακαταθηκῶν*.

³³ See my article cited in note 21 *supra*. Despite a thorough study of Isocrates' stylistic doctrines, Wersdörfer, *op. cit.*, pp. 89-149, does not consider the possibility that the simple written style is used for other purposes than dicanic oratory. He rather believes that the language of the courts differed from that of the assembly and constituted a third

ning of the *Panathenaicus*. There Isocrates compares his Panhellenic and ornamental writings with simple, unadorned speeches. He adds that men skilled in contests advise the youths to practice that style if they wish to have an advantage over opponents in court. The last word of the clause flicks his rivals like the tip of a whip. Not until the last word does Isocrates specify that the simple style is used in court. He willfully fails to mention whether it is also used in the assembly, and carefully refrains from asserting that its forensic sponsors are really teachers and rhetoricians. The court-practitioners are said merely to recommend it, not to teach the simple style. Isocrates' silence about their teaching is deliberate, as is clear from other passages.

That the court-practitioners and logographers had no regular pupils is emphatically and repeatedly asserted in the *Antidosis*. The most significant passage is quoted at the beginning of this paper. Shall we accept Isocrates' explicit testimony as Walberer does,³⁴ or shall we say that Isocrates misstated the facts in order to clear the name of rhetoric from popular calumny? That emphatic passage (XV, 41) is not concerned with rhetoric in general but only with protecting himself from the charge of teaching litigation. Therefore he could have admitted that other teachers wrote speeches for litigants without compromising himself. A lie is unnecessary here. But instead Isocrates chooses to contrast all the rhetoricians with the logographers. Only rhetoricians have pupils. Long forgotten or ignored are the days when Isocrates was himself a logographer. Even earlier in the *Antidosis* (30) he distinguished between those who wallow in the law-courts and those who pass their time on philosophy (rhe-

kind of style: deliberative oratory was extemporized and less precise than the written speeches used in court (pp. 140-142, 147). Wersdörfer therefore applies the references to the simple style in Isocrates only to dicanic oratory (pp. 123, 146). But Alcidas and Aristotle (1180 b 35-1181 a 6) show that both written and extemporary speeches were used in both court and assembly and that the same men practiced in both places. Certainly the pseudo-Demosthenic *Eroticus* shows that simple writings existed, and the critics in IV, 11, wished Isocrates to use a simple style, not to write forensic orations. Indeed Wersdörfer (p. 143) accepts this interpretation of the passage. Thus it seems clear that dicanic style could be used in other *genera*.

³⁴ Walberer, *op. cit.*, pp. 14-15.

toric). Later (237-238) he says that it is easy to find men who really deserve the charges of chicanery which people wrongly bring against the sophists: their names are posted as law-breakers; Isocrates and his fellow-teachers have no need for the courts. Why pupils scorn the forensic writers is explained in the following way (47-50): the dicanic speakers learn by experience without theory, and are endurable only while needed, but are hated by all and incapable of finer writing; students therefore turn to the instruction offered by the group of which Isocrates is a member. Thus the two classes are separated throughout this speech.

If the teachers were distinguished from the practitioners and logographers only in the *Antidosis* we might have grounds for suspecting this particular speech. But the *Helen* likewise informs us that logographers had no pupils. Defending the sycophants from attack by the teachers of eristic, Isocrates says (X, 7) that they merely hurt other people whereas the philosophers hurt their own pupils (τοὺς συνόντας) most of all. Apparently the sycophants have no regular pupils. In the *Panathenai-cus* (29) he separates the men able to make deliberative speeches from the famous writers (i. e. rhetoricians). He also says that he prefers gentlemanly culture to τὰς τέχνας καὶ τὰς ἐπιστήμας καὶ τὰς δυνάμεις. To judge from the context this seems to be a distinction between the rhetoricians (τέχναι), the astronomers and other scientists (ἐπιστήμαι), and the practitioners of forensic and deliberate oratory (δυνάμεις).

Confirmation comes from other writers. In Alcidas (13) we have already noted a separation of the writers of dicanic speeches from the teachers of rhetoric. But the most conclusive evidence comes from Aristotle, *Nicomachean Ethics*, 1180 b 35-1181 a 6. He writes: the sophists promise political training but do not engage in politics themselves; the actual politicians are guided more by knack and ability than by knowledge since they do not speak or write about politics although that would be better than composing forensic and deliberative speeches; nor can they make politicians out of their sons or friends. Here the writers of judicial speeches are the practical men; the teachers of politics are the impractical rhetoricians. Thus Isocrates' remark as quoted above seems to be justified, although naturally there must have been exceptions to the rule that no teacher with pupils wrote speeches for litigants or engaged in politics.

Perhaps exceptions to the rule appear later in the *Antidosis*. And here we come to the last passage which I think might suggest that chicanery was taught by the rhetoricians. Into his general defense of rhetoric Isocrates suddenly slips a qualification (215-216): some critics transfer the villainy of pretended sophists who really do something very different (logographers?) to those men who do not have the same pursuits at all (rhetoricians); Isocrates does not speak on behalf of everybody who pretends to be able to teach but only on behalf of men who rightly enjoy that reputation. For a minute this qualification sounds like an admission that some rhetoricians teach litigation, but shortly afterwards (221), while confessing that some pretended sophists might be fallible and do wrong (i. e. practice litigation), Isocrates flatly insists that even these men would be unwilling to train sycophants because it would injure their reputation as teachers. However we interpret this contradictory passage it seems to show that most rhetoricians did not teach litigation although a few may have written dicanic speeches. Rightly or wrongly Isocrates insists that no one taught litigation: it was learned by experience (XV, 48, 225).

Once we realize that his fellow-teachers were not primarily interested in forensic oratory we can understand why he is willing to call them teachers of *πολιτικοὶ λόγοι*. It seems unnecessary to cite examples from Anaximenes and Aristotle in order to argue as Walberer does³⁵ that political should here mean forensic as well as deliberative oratory. I know of no instance in Isocrates where it bears that interpretation, but several times he contrasts political with dicanic speeches.³⁶ In his *Against the Sophists* (19) he sharply separates the modern teachers of political oratory, who promise to train rhetors (XIII, 9, 14), from the earlier technicians, who foolishly offered to teach litigation while urging the study of political oratory (20). He may criticize his rival teachers of politics for promising too much (XIII, 9-13) or for demonstrating their skill by means of paradoxical *encomia*

³⁵ *Ibid.*, pp. 4-12, 39; cf. C. Reinhardt, *De Isocratis Aemulis* (Bonn, 1893).

³⁶ Political is considered the opposite of dicanic by W. Kroll, *R. E.*, s. v. "Rhetorik," col. 12, 27-30; Münscher, *loc. cit.*, col. 2173, 45-46; C. Brandstätter, "De notionum πολιτικῶς et σοφιστῆς usu rhetorico," *Leipziger Studien*, XV (1894), pp. 134, 136.

(X, 9), but he admits that they all try to improve the intelligence of their pupils (II, 51), and insists that the pupils turn to them rather than to the forensic speakers (XV, 46-50). They are involved in a common destiny, and if rhetoric corrupts the young as Lysimachus charged, then all rhetoricians must be driven from Athens, not just Isocrates (XV, 175). They all teach essentially the same thing, politics, which they identify with rhetoric (Aristotle, *Nic. Eth.*, 1181 a 14-15, *Rhet.*, 1356 a 27-30).

In short, it seems that no self-respecting teacher at Athens would proclaim that he wanted future sycophants for his pupils. He may actually have included some instruction for writing forensic speeches, but his greatest hope was to train statesmen, writers, and gentlemen of culture. Every outstanding graduate was an advertisement for his school (XV, 220) and inspired wealthy fathers to send him their sons. Isocrates often mentions the vile creatures who got their living from the courts but he asserts that they had no pupils. He does not accuse his fellow-rhetoricians of writing for litigants or of teaching legal chicanery. Rather, they are said to belong to the same profession and to write epideictic speeches like his own.

Only Isocrates' references to forensic speeches require interpretation. He often contrasts his magnificent language and noble themes with the petty style and the subjects of speeches for the courts. He says nothing about speeches for the assembly. But Alcidas shows that the same style was used for all practical oratory, whether dicanic or deliberative. The author of the pseudo-Demosthenic *Eroticus* reveals that it was used for literary composition. This practical style is clearly what Isocrates' critics in the *Panegyricus* (11) wish him to adopt even for an epideictic theme. But he retorts that they judge his language from the standpoint of the courts. So it seems that Isocrates unfairly calls their practical style forensic.

As the champion of the elaborate style, Isocrates seems to have wilfully confused the simple style of his rivals with the forensic style of the logographers. He implies that the mean style suits only the courts, but his opponents obviously used it for other kinds of writing. Thus when he compares his lofty speeches with the forensic writings of other men it probably does not mean that the other rhetoricians were logographers. Isocrates

specifically and consistently denies that. Alcidas and Aristotle confirm his contention. So his remarks are either a fling at the logographers themselves or merely a comparison between the elaborate and the natural styles of writing. Simple language was used at court, but it was also used in the assembly. Isocrates, however, disliked the simple style, and forensic pleaders were hated in Athens (XV, 31). He therefore linked the practical style of some rhetoricians with the disreputable courts rather than with the respectable assembly. Thus we find Isocrates using unfair tactics to discredit his opponents. He should have said that they wrote like the logographers although they were not logographers themselves.³⁷ Some rhetoricians rejected elaborate language, but Isocrates testifies that no rhetorician was a teacher of sycophancy.

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³⁷ Perhaps the conflict between Isocrates' honesty and his eagerness to call his critics logographers produced the awkward Greek in IV, 11 and 188: note especially the clauses with *πρός*, which seems to mean "in comparison with." Cf. note 32 *supra*.

HOMER AND HECTOR.

In the July 1944 issue of this Journal Professor Combellack reviewed with great thoroughness my published ideas concerning Hector. It flatters me much that anyone should feel it wise to devote so much study and a journal should be willing to give so much space to a discussion of what I have written. While in general terms he expressed great admiration for my work on Homer, in the details he was not especially laudatory. The only thing in his paper which I wish he had not written is what he wrote against my statement that the exploits of no other Trojan than Paris find any place in the story of the *Cypria*.

My exact words which he properly quotes, are "The deeds of no other Trojan (than Paris) find any place in the story of the *Cypria*." He tried to answer that by saying: "Aphrodite bids Aeneas sail with Paris, Hector kills Protesilaus, Aeneas' cattle are driven off by Achilles, Lycaon is taken by Patroclus to Lemnos, and Troilus is slain by Achilles." Certainly no one could by the freest use of language argue that a man who was slain, a man who was taken into slavery, a man whose herds were stolen, or a man who was ordered to sail was an agent in the performance of any deed. The only Trojan to act except Paris was Hector, and I have already explained that; but it seems to me a thing so simple needs only to be told; it needs no explanation.

Homer, B, 701, says that Protesilaus was slain by a man of Dardania; then a few verses later he tells us that Hector was leader of the Trojans, that Aeneas commanded the Dardanians. Here Homer makes very clear that Protesilaus was not slain by Hector. How then is that exploit given to Hector in the *Cypria*? Nothing could be simpler. The poet of the *Cypria* with the *Iliad* before him could not understand why a hero of the rank of Hector should have had no part in the previous action, so he fudged just a little and slipped in the name Hector for the "Dardanian man" of Homer, and gave to Hector the glory of an exploit which Homer had definitely denied him.

The fact that Hector is not named in the *Odyssey* and that the shades of Achilles and Agamemnon give no hint of him, also the many contradictions involved in his exploits and his

character induced me to believe that Hector did not belong to pre-Homeric tradition, but was a creation of the poet himself. When I wrote that theory it seemed to me to satisfy all the conditions of the *Iliad* and the *Odyssey*. It seemed reasonable to me then and it seems reasonable to me now, but I do not claim that it must be true, because in such matters the truth is too much involved in the creative genius of the poet. Even when we have the words of the poet and also his sources, we still lack the only important element, the imagination of the poet. Here is an illustration of what I mean. We have in the Gospels the narrative of the Temptation of Jesus, which was Milton's sole source for the poetic portrayal of that temptation in *Paradise Regained*, but these verses put into the mouth of Satan:

Athens, the eye of Greece, mother of arts
And eloquence . . .
. . . where the Attic bird
Trills her thick-warbled notes the summer long,

are due entirely to the genius of Milton; there is not a hint in the source.

The only real disagreement between me and my critic is the content we give to the word poet as it is applied to Homer. It is not felicity in language or in meter that makes a poet, but the creative imagination. No one doubts that this creative imagination is the chief element of greatness in the poetry of Aeschylus, Sophocles, and of all other supreme poets. It is only to Homer that the critics deny the sovereign power of imagination, yet among the Greeks themselves Homer was the chief of poets, and only rarely was that name given to another, so that "the poet" was almost a proper name.

When Demodocus came on and sang in the Eighth Book of the *Odyssey*, "He began with that song whose glory had reached the broad heavens, the strife between Odysseus and Achilles." Why do we know so little about that strife, then so famous, and know so much about the quarrel between Achilles and Agamemnon? The answer is easy: Homer chose to make one the basis of a poem, he passed the other by. The great importance of the "wrath" lies in the creative imagination of Homer. Shakespeare may not have had Homer in mind, but it applies to all great poets when he wrote that the poet

. . . gives to airy nothing
A local habitation and a name.

It is manifestly impossible to give content to or to define "airy nothing."

My belief is identical with that of Theocritus, the last of the great creative Greek poets, when he wrote (XXII, 216 ff.):

"Your renown, O ye princes, is the work of the singer of Chios, when he sang of Priam's town and of the Achaean ships, of Trojan forays, and of that tower of the war-cry, Achilles."

And also (XVI, 48 ff.):

"Who would have known of the princes of the Lycians, or of the long-haired sons of Priam, if the poets had not sung the battle cries of the men of old? Not even Odysseus wandering one-hundred-twenty months among all men and going alive unto the utmost confines of Hades or escaping the cave of the ruthless Cyclops would have won any lasting glory. The name of the swineherd, Eumaeus, would remain unspoken, so also Philoetius with his herds, yea even the great-souled Laertes would be unknown, unless the poetry of the man of Ionia had favored them."

Theocritus believed that the epic heroes and characters owed their fame not to historic fact, not to tradition, but to the creative imagination of the poet.

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NOTE ON THE ALEXANDRIAN CALENDAR.

An article by W. F. Snyder in this Journal on the establishment of the Alexandrian Calendar has just come to my notice (Vol. LXIV [1943], pp. 385 ff.) in which I am glad to see that publicity is given to the error involved in supposing that 1st Thoth of the Egyptian Wandering Year coincided with 29th August of the Roman year in 26 B. C.

I pointed that out in my book, *A Scheme of Egyptian Chronology* (1932), pp. 316 ff., and went on to show that 1st Thoth corresponded with the Roman 29th August in 33, 32, and 31 B. C. (not in 30 B. C. as Snyder supposes) but that it was improbable

that the fixed Alexandrian Calendar was then introduced. The difference between my date and Snyder's for the correspondence is due to the fact that he has taken no account of the difference in the length of February in the Julian Calendar as compared with the Augustan Calendar. In the normal Julian year February had 29 days, and in leap year 30 days.

The following table shows the astronomical Julian equivalent of 29th August of the Roman Calendar from 14 B. C. to 4 A. D. according to my reckoning and according to Snyder's reckoning:

TABLE A

(r = Roman leap year; a = Astronomical leap year)

Year of Julian Era	Year of Christian Era	Macnaughton's Reckoning	Snyder's Reckoning	
32	14 B. C.	2nd September	1st September	
33	13	a 1st September ¹	31st August	a
34	12	r 2nd September	1st September	r
35	11	2nd September	1st September	
36	10	2nd September	1st September	
37	9	a 31st August	1st September	ar
38	8	31st August	1st September	
39	7	31st August	1st September	
40	6	31st August	1st September	
41	5	a 30th August	31st August	a
42	4	30th August	31st August	
43	3	30th August	31st August	
44	2	30th August	31st August	
45	1 B. C.	a 29th August	30th August	a
46	1 A. D.	29th August	30th August	
47	2	29th August	30th August	
48	3	29th August	30th August	
49	4 A. D.	ar 29th August	29th August	a

The discrepancy between Snyder's date and mine from 9 B. C. to 3 A. D. does not affect the question of the date in 30 B. C. It is due to the fact that I accepted the current explanation of Augustus' Reform, namely that he decreed that there should be no leap year from the 37th to 48th years of the Julian Calendrical Era,² whereas Snyder has relied on J. K. Fotheringham's

¹ Misprinted 3rd September in my book, *op. cit.*, p. 319.

² See "Calendar" in *Encyclopaedia Britannica*, 9th and subsequent editions.

statement in his article on the Calendar in the *British Nautical Almanac* for 1933 and following years. Fotheringham writes as if he was not aware that he was making any change in current theory, but he was a very careful writer and probably had some grounds for his statement. Between 10 and 9 B. C. the difference in February should have made a difference of a day in Snyder's date, thus yielding 2nd September for the 10 B. C. equivalent of 29th August Roman and for all previous years the same equivalents as mine. On my reckoning there is, of course, a difference of two days between the equivalents of 29th August in 10 and 9 B. C. because of the difference in the length of the normal Julian February from the Augustan February, and because I reckon that Augustus omitted the leap year day in 9 B. C.

I date the fixing of the Alexandrian Calendar at 9 B. C. or somewhere in the period immediately following that year.

The arguments against the placing of its introduction in 30 B. C. may be summarised as follows:

(1) In neither the Egyptian Wandering Year nor the Graeco-Egyptian Calendar did 1st Thoth correspond with 29th August of the Roman Calendar in 30 B. C.

(2) Augustus reformed the Roman Calendar and the Calendar of various Roman provinces in 9 B. C. and years near that. It would be surprising if he had initiated an isolated calendar reform in 30 B. C.

(3) It is extremely unlikely that the expert Alexandrian astronomers would have tolerated a reform in 30 B. C. prescribing the insertion of a day once in three years, and it is equally unlikely that the Romans would have continued to use their erroneous intercalation while at the same time on Augustus' instructions a calendar was introduced in Egypt with correct intercalations once in four years.

(4) The Alexandrian Calendar was Greek³ in origin. The native Egyptians when quoting a date in terms of that Calendar wrote "according to the Greeks," as contrasted with "according to the ancients" for a date in terms of their Wandering Calendar.

³ For many astronomical purposes the Greeks preferred the Egyptian Wandering Year.

Augustus merely intervened to fix it relatively to the Roman Calendar.

For possible explanations as to why 1st Thoth (except when it followed the Alexandrian leap year day) corresponded thereafter with 29th August reference must be made to my previous discussion.⁴

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MORALIA 614 E.

The problem here considered is the lacuna at the beginning of Plutarch's version of Aesop's fable of the Fox and the Crane: οἱ δὲ τοιαῦτα προβλήματα καθιέντες οὐδὲν ἂν τῆς Αἰσωπείου γεράνου καὶ ἀλώπεκος ἐπιεικέστεροι πρὸς κοινωνίαν φανείεν· ὧν ἡ μὲν ἔντος τι λιπαρὸν κατὰ λίθου πλατείας καταχεαμένη ἀλλὰ γέλωτα παρέχουσιν· ἐξέφενγε γὰρ ὑγρότητι τὸ ἔντος τὴν λεπτότητα τοῦ στόματος αὐτῆς . . . (*Quaest. conviv.*, I, 1-614 E).¹

That the text contains a lacuna has long been recognized, though precisely where the lacuna occurs has been a matter for some difference of opinion. Stephanus seems to have read: . . . καταχεαμένη ἀλλὰ γέλωτα πάσχουσιν, ἡνία· ἐξέφενγε γὰρ . . .²

⁴ *Op. cit.*, *passim*. Since my book was written an ephemeris of 467 A. D. has been commented on by Curtis and Robbins, *An Ephemeris of 467 A. D.*, Publications of the Observatory, The University of Michigan, Vol. 6, No. 9, pp. 77-100. It showed 1st Thoth equivalent to 30th August in that year. Thus the Alexandrian leap year day was inserted in the Augustan year preceding the Augustan leap year.

¹ καταχεαμένην Codex Vindobonensis 148, corrected by a later hand. παρέχουσιν Wytttenbach: πάσχουσιν, on which see Doehner, *Quaestiones Plutarcheae* (Leipzig, 1840), p. 35. Codex Vindobonensis 148 is the archetype of all extant manuscripts of the *Quaestiones convivales*; see the account of the manuscript given by Hubert, *Plutarchi Moralia*, IV (Leipzig, Teubner, 1938), pp. xi-xiv.

² Cf. Wytttenbach, *Plutarchi Moralia*, III (Oxford, 1797), p. 482, note: . . . [ἡνία] abest in omnibus libris ante Stephanum. . . . Further, Hutten, *Plutarchi quae supersunt omnia*, XI (Tübingen, 1798), p. 9, n. 2: H. Stephanus nominativum [καταχεαμένην] dandum monuit. . . . Hoc ipsum ἡνία abest a Bas. et Ald. . . . H. Steph. quid pro ἄλλᾳ reponendum, se non assequi conjectura fatetur. The edition of Stephanus (1572) had been preceded by an Aldine (1509) and a Basel (1542); I have seen none of the three.

Reiske's conjecture was: . . . καταχαμένη καὶ πεινώσαν ἀποπέμψασα τὴν γέρανον, ἅμα τε γέλωτα παρσχοῦσαν . . .³ Wytttenbach printed his text as Stephanus, but in his note remarked: Forte legendum, καταχαμένη ἡνία ἅμα γέλωτα παρέχουσιν.⁴ Certain *Plagulae Wittebergenses* were reported by Hutten to read: . . . καταχαμένη ἐδέξατο τὴν γέρανον γέλωτα πάσχουσιν . . .⁵ Hutten himself read: . . . καταχαμένη, ἐδέξατο τὴν γέρανον, ἀλλὰ γέλωτα πάσχουσιν, ἡνία . . .⁶ The conjecture of Doehner was: . . . καταχαμένη οὐκ εὐχουμένην ἐδέξατο, ἀλλὰ γέλωτα παρσχοῦσαν, ἡνία . . .⁷ Bernardakis read: . . . καταχαμένη τὴν γέρανον ἐδέξατο οὐκ εὐχουμένην, ἀλλὰ γελοῖα πάσχουσιν . . .⁸ The most recent Teubner editor, Hubert, attempts no restoration—not, perhaps, without wisdom.

Yet a reasonable conjecture does not seem beyond hope. It is axiomatic that a restoration must be expressed as briefly as possible, in Greek that is neither unintelligible nor barbarous, must conform to Plutarch's habits in regard to hiatus,⁹ and must

³ Reiske's edition was issued at Leipzig in 1777 and 1778, with an index volume following in 1782; he had published earlier *animadversiones* on Plutarch (cf. Hutten, *op. cit.*, VII, pp. vi ff. and xxv; Wytttenbach, *op. cit.*, I, pp. cxxviii ff. and clii). I take his conjecture from Hutten, *op. cit.*, XI, p. 9, n. 2; presumably Reiske followed *παρσχοῦσαν* with *ἡνία* for a main verb.

⁴ *Op. cit.*, III, p. 482, note. Wytttenbach's conjecture was adopted into the text by Halm, *Fabulae Aesopicae collectae* (Leipzig, Teubner, 1852), No. 34.

⁵ *Op. cit.*, XI, p. 9, n. 2. These *Plagulae Wittebergenses* Hutten thus describes (*ibid.*, pp. xv-xvi): De peculiaribus subsidiis ad hoc Volumen [i. e., volume XI of Hutten's own edition] pertinentibus plane nihil esset, quod monere possem, nisi singulari ista, quae olim praedicare debui, beati Strobilii humanitate et benevolentia adjutus, paucas pagellas acceperissem, quibus Wittebergae prima Libri primi quaestio una cum prooemio edita fuit. Neque anni adest nota; neque ejus nomen inscriptum apparet, qui editionem curavit. At vix dubio locus esse videtur, quin Melanchthoni, textum, quem publice tractaret, emittenti, sit adscribenda.

⁶ *Ibid.*, p. 9.

⁷ *Quaestiones Plutarchae* (Leipzig, 1840), p. 34. This conjecture was adopted without change by Dübner, *Plutarchi Moralia*, II (Paris, Didot, 1841), p. 744; for *παρσχοῦσαν*, however, Dübner preferred *παρέχουσιν*.

⁸ *Plutarchi Moralia*, IV (Leipzig, Teubner, 1892), p. 8. γελοῖα Vulcobius.

⁹ For these see J. Schellens, *De hiatus in Plutarchi Moralibus* (Bonn diss., 1864), particularly pp. 6 ff.

tamper as little as possible with the preserved parts of the text. It is obvious that all of the conjectures passed in review violate some of these criteria, and some of the conjectures violate all the criteria.

The new element which Doehner introduced into the problem of the lacuna—*οὐκ εὐωχουμένην*—he adopted from a marginal note by *καταχαμένην κτλ.* in Codex Vindobonensis 148: *οὐκ εὐωχουμένην ἔδειξεν*.¹⁰ Doehner realized that the whole gloss could not represent a true reading,—*ἔδειξεν* yielded no sense,—yet, since *οὐκ εὐωχουμένην* described well enough the condition the crane actually found herself in when she went to dinner with the fox, he could not avoid the temptation to take it for a true reading and use for his verb an *ἔδεξατο* derived from he knew not where.¹¹ The fact is that the gloss yields little sense except as a notation by a reader of the Codex that he observed the presence of a lacuna and out of his store of knowledge of fable literature, or more likely by reason of his common sense, divined the meaning, or part of the meaning, of the missing words—easily enough inferred from the context. His note *οὐκ εὐωχουμένην ἔδειξεν* simply means "[the missing passage] indicated that the crane was not well fed."¹²

The first part of the fable is written by Phaedrus (I, XXVI):

Ad cenam vulpes dicitur ciconiam
prior invitasse, et liquidam in patulo marmore
posuisse sorbitionem, quam nullo modo
gustare esuriens potuerit ciconia.

Phaedrus' *liquidam in patulo marmore posuisse sorbitionem* is

¹⁰ *Op. cit.*, pp. 34 f.; cf. Hubert, *Plutarchi Moralia*, IV, p. 7, note on line 14.

¹¹ *Loc. cit.*: Illud autem quod scripsi *ἔδεξατο*, uti recte, opinor, suggerunt plagg. Vitteb., non habeo quidem, quo id affirmem e codice aliquo esse delibatum, cum tamen margo Cod. Vind. exhibeat *ἔδειξεν*, non abhorret a fide, editorem illarum plagarum Vittebergensium, quisquis fuit, in libro suo invenisse *ἔδειξε*, quod cum exquisitius quam verius esse intellexisset, primum mutavit in *ἔδεξατο*, cui deinde, ut aliqua certe enascetur sententia, e conjectura subjunxit *τὴν γέρανον*. Certainly *τὴν γέρανον* is a fair conjecture, but the rest of the explanation leaves one where it found him.

¹² The same reader of Cod. Vind. 148 also dealt with the lacuna in 615 B, where he attempted a formal restoration that is pretty obvious from the context. On the identity of the glossator at 614 E and 615 B see Hubert, *op. cit.*, p. xiii.

expressed in Plutarch's *ἔτνος τι λιπαρὸν κατὰ λίθον πλατείας καταχαμένην*. The former's *quam nullo modo gustare . . . potuerit ciconia* is an equivalent for the latter's *ἐξέφενγε γὰρ ὑγρότητι τὸ ἔτνος τὴν λεπτότητα τοῦ στόματος αὐτῆς*. The *dicitur prior invitasse* and the *esuriens* of Phaedrus are not preserved in Plutarch, and the *ἀλλὰ γέλωτα παρέχουσιν* of Plutarch is not expressed in Phaedrus. The thought of the last, however, does find expression in some of the late Latin versions of Phaedrus,¹³ a fact which should influence none to censure Bernardakis for dropping *ἡνία* from his solution for the lacuna because *irascor* too occurs in another of these late Latin versions,¹⁴ or to follow Reiske in inserting *ἀποπέμψασα*—or an equivalent—because *abeo*, *redeo*, or *recedo* occur not infrequently in the versions,¹⁵ or, for that matter, to attempt the interpretation of the Plutarch version on the basis of

Compère le Renard se mit un jour en frais,
Et retint à dîner commère la Cicogne.
Le régal fut petit et sans beaucoup d'apprêts:
Le galand, pour toute besogne,
Avoit un brouet clair; il vivoit chichement.
Ce brouet fut par lui servi sur un assiette:
La Cicogne au long bec n'en put attraper miette;
Et le drôle eut lapé le tout en un moment.

Consideration of what remains of the Plutarch passage and of what is expressed in Phaedrus indicates plainly that the notions of *entertainment* and *hunger* must be written into the lacuna of the former. It is the second of these two notions which is the logical pendant of *ἀλλὰ γέλωτα παρέχουσιν*, and the first which is the reasonable verb to support both subject and object participles. For this, the obvious word—and Plutarchean—

¹³ Esuriens et verecunda abiit Ciconia (*Fabulae antiquae*, No. LXIII, in Hervieux, *Les fabulistes Latins*, II, p. 154); Tristior inde redit, delusam se quia credit (*Baldinis fabulae superstites*, No. XXV, in Hervieux, *op. cit.*, V, pp. 373 f.); Vulpes . . . irridebat eam. Sed postea Ciconia . . . melius irrisit ei (*Gualterianae fabulae*, No. XXVII, *ibid.*, II, p. 391). These and other references to Hervieux's work I owe to B. E. Perry.

¹⁴ Exuriens (sic) ciconia irata rediit ad locum suum (*Romuli Florentini fabularum libri tres*, II, No. XIII, *ibid.*, II, p. 489). Actually the use of *ἡνία* was probably suggested by the *ἀνιῶσιν* which stands in the same section.

¹⁵ *Ibid.*, II, pp. 154, 209, 254, 432, 466, 489, 626, and V, pp. 373 f.

is ἐστιῶ. For that, Reiske's πεινώσαν in the absence of an equivalent for *abeo*, *redeo*, or *recedo*,—and to put one in violates the *a priori* rule against elaboration,—does not serve so well as, for example, ἀσιτῶ. The logical antecedents of ἐξέφευγε γὰρ ὑγρότητι τὸ ἔνθος τὴν λεπτότητα τοῦ στόματος αὐτῆς are not “supperless, but ridiculous,”—the conditions are not contrasted,—but rather “supperless and ridiculous.” No other way to express this and avoid gratuitous tampering with the manuscript's ἀλλά occurs to me except by the use of οὐ μόνον; balanced phrases are dear to Plutarch.¹⁶

The passage may be read: . . . ὣν ἡ μὲν ἔνθος τι λιπαρὸν κατὰ λίθου πλατείας καταχεαμένη <τὴν γέρανον ἡστίασεν οὐ μόνον ἀσιτοῦσαν> ἀλλὰ γέλωτα παρέχουσιν· ἐξέφευγε γὰρ ὑγρότητι τὸ ἔνθος τὴν λεπτότητα τοῦ στόματος αὐτῆς . . .

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ΓΕΡΟΥΣΙΑ-ΓΕΡΩΧΙΑ.

In his recent book on Sparta¹ H. Berve calls the well-known *gerousia* of the Spartans “gerochia” and explains this as the assembly of the “γέρας ἔχοντες.” He does not indicate his reasons for this deviation from the *communis opinio*, which is, after all, supported by the authority of Aristotle. But it is easy to show that his new theory is due to a rather amusing misunderstanding; and, since the correction of his error leads to some observations concerning the pronunciation of the Spartan dialect in the fifth century, it is perhaps worth while to say a few words about it.

The only passage in an ancient author in which the form *γερωχία* occurs² is found in Aristophanes' *Lysistrata*, 980, where

¹⁶ Their failure to interpret ἀλλὰ γέλωτα παρέχουσιν as one pendant of twin antecedents for ἐξέφευγε γὰρ ὑγρότητι τὸ ἔνθος τὴν λεπτότητα τοῦ στόματος αὐτῆς led Hutten and Doehner to write impossibly awkward sentences. Bernardakis got out of the difficulty when he omitted ἡνία.

¹ H. Berve, *Sparta* (Leipzig, 1937), pp. 19 f.

² The lexicon of Hesychius, *s. v.* has *γερωνία*, which, H. Stephanus and others emended to *γερωχία*. But *γερωνία* may just as well or more likely have originated from *γερωχία*, and Hesychius at any rate explains it quite correctly as *γεροντία*.

a herald from Sparta arrives and, in a somewhat exaggerated Spartan dialect, asks the Athenian women to direct him to the Athenian "gerochia." Some editors have replaced this unusual form by *γερωσία*, *γερωία*, or *γερωφία*, but the text of the best manuscripts is unquestionably correct. We know from Spartan inscriptions of the fifth century³ that intervocalic *s* had become *h* in the Spartan dialect by that time. *Γερονσία* in that dialect therefore must have been *γερωμία* at that time.⁴ Most linguists assume that the *H* in Spartan inscriptions represents a rather weak sound because it disappears about three centuries later. But the fact that Aristophanes, even when giving a somewhat exaggerated version of the Spartan dialect, obviously represents this same sound by *χ*, that is a strongly aspirated *kh*, seems to show that in his time it must still have been a rough breathing of considerable force.

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³ See, for instance, *I. G.*, V, 1, 213: *Ποιοίδια*, *Ἐλευθύνια*, etc.

⁴ The fact that the *s* in *γερωσία* is not original does not affect the explanation, since in *Ποιοίδια* it is not original either and since the later form *γερωία* is well attested.

REVIEWS.

WILLIAM BENJAMIN SMITH and WALTER MILLER. *The Iliad of Homer, A Line for Line Translation in Dactylic Hexameters.* New York, Macmillan Co., 1944. Pp. xx + 565. \$3.75.

Iliad translations in prose or verse have appeared in English at the rate of one every five years for the last quarter of a century. Yet up to the present time the Lang, Leaf, and Myers version, now more than sixty years old, has remained supreme in popular favor. The present work of Smith and Miller seems destined to replace it,—not because it is modernized, for in many ways it is even more archaic than the older version, but because to this archaism of language, which in the popular mind has become as inseparable from Homer as King James English is from the Bible, there has been added the assurance of a line for line reproduction and the illusion of metrical equivalence. Since these two features are stressed by the translators as the chief claim of excellence, they must receive our special consideration.

From one point of view translation is an exchange of values from one currency to another, and literal or word for word translation is as impossible as the substitution for ancient obols of exactly the same number of modern nickels. Such a process is not only impossible but a highly undesirable thing to attempt since it has no purpose other than to stress the illusory equivalence of the smallest elements and thus create a false impression of accuracy. If, however, the unit of transference is enlarged from the word to the line, the task of the translator becomes somewhat more possible, particularly when the original lines are fairly self-contained units of thought. Furthermore there is a real advantage to the reader in such a translation, since he gains thereby some idea of the tempo, now leisurely, now quickened, of the original. At the same time the translator by judicious shifting of weight among the internal elements can produce a more accurate effect. Smith and Miller have been very successful in both these respects. Take for example the famous words of the Trojan Elders describing Helen:

Blame is there none that the Trojans and well-greaved sons of
Achaeans

Long years suffer in travail, when such is the woman they fight for,
Marvelous, like in her figure and face to a goddess immortal

(III, 156 ff.).

Here the *τοιῇδ' ἀμφὶ γυναικί* receives its full value without crowding the other elements within the line unit. To be sure, the preceding and following lines thus require a bit of padding,—“sons of” in the one, and “figure and” in the other,—to maintain the mechanical line unit of the original, but the three-line total remains the same in Greek and English.

Furthermore the translators have made great efforts to reproduce the many overflow lines by a transfer of the same elements to the

succeeding line in English. Consider a passage in the allegory of Prayers and Repentance:

Sin, however, is strong, right nimble of foot; she outrunneth
All of men's prayers; she attaineth the whole earth's circuit before
them,
Causing people to fall, while Prayers come after to heal them
(IX, 505-7).

Both run-overs here follow the Greek, but the first is used for a needed expansion of thought, while the second is literal and a trifle awkward. In a great many passages, particularly battle scenes and similes, the English reader thus gains a delightfully clear impression of an effective Homeric device, the smooth overlapping of descriptive detail. The following is a characteristic specimen:

Like as a man rears lusty a sapling, a shoot of wild olive,
All in a lonesome place, where bubbles abundance of water,
Beautiful shoot, fair growing, with all kinds of breezes upon it
Blowing to sway it about; and it bursts into blossoms of whiteness;
All of a sudden there comes a blast of a terrible tempest,
Wrenches it out of its place, and lays it on earth low-leveled
(XVII, 53-8).

The other claim of the translators, to have reproduced Homer "in the meter of the original" will hardly impose on any Hellenist, and certainly they did not intend that it should. It is, however, a little unfortunate that Professor Miller should not have warned his Greekless readers in his introduction of the tremendous differences which exist between the swinging quantitative dactyls of Homer and their clattering accentual substitutes in English. The fact is, purely accentual dactyls have always been among the least effective media for English poetry, and Matthew Arnold's recommendation of their use in the translation of Homer must be regarded as ill-considered. At least in the most Homeric of his own poems, *Sohrab and Rustum*, he does not venture to employ them.

If, however, a translator is determined to convey mechanically to the English reader some idea of the rhythm of Homer as he has been traditionally read aloud in Greek by modern scholars—Heaven only knows how the rhapsodes recited him!—he must pay some attention to the quantities as well as the stresses in his lines. The neglect to do this consistently constitutes a major source of awkwardness in the present translation. Too often the reader, after taking off on what promises to be a smooth waltz step, stubs his second short foot on the longest kind of protruding down beat. Consider the following:

Terrible may be the wrath of a king, a ruler Zeus-nurtured;

Honor is his from Zeus . . . (II, 196-7),

and

. . . Thus fallen, life left him (XVI, 410).

Some realization of this defect has impelled the translators in many

places to guide the reader to the desired rhythm by the naive device of italicizing the monosyllables to be stressed. Cf.:

... for we *múst* not stay *hére* and thus *dálly* (XIX, 149).

This device is used ten times in Book XIII alone. In other places the failure to use it proves too well the existence of the quantitative faults which it is designed to correct. Cf.:

Do not allow them to drag down their gallant ships to the salt sea
(II, 181).

Even when ictus and quantity are in reasonable harmony, the preponderant monosyllables of English tend to give the lines a harsh staccato effect. When, as sometimes happens, overconscientious literalness of translation coincides, the result is shockingly parodic. Cf.:

Phoenix, my dear old daddy of old times, would that Athéna
(XVII, 56),

and

Cometh the time when again he shall call me his 'Darling
Bright-eyes' (VIII, 373).

Of course such criticism as this seems a little ungracious when one considers the enormous difficulties involved in the transfer of sixteen-odd natively rhythmical Homeric syllables into the same number of English syllables which must not only reproduce the correct sense as gracefully as possible, but at the same time balance their way precariously through an alien and nearly impossible rhythmic pattern. The attempt has been made, however, and a reviewer can only judge the results on their intrinsic merits.

It is a question whether the translators could have completed their task at all without the use of the pseudo-archaic English which at first sight seems to be merely the conventional dress of a "Homeric" style. Here is a partial classification of the devices made possible by its use.

A. Means of saving space:

- 1) Syncopation of syllables. E. g., off'ring, sev'n-foot, vict'ry, o'erpow'ring, Th' Achaeans, etc.
- 2) Obsolete forms. E. g., natheless, ware (adj.), aye, 'gan, 'fore, etc.
- 3) *Ad hoc* forms. E. g., fulgence, arm-rods, etc.

B. Means of extension to fill space:

- 1) Diastole of final *-ed*. E. g., namèd, embossèd, clothèd, trainèd, etc.
- 2) Archaic and pseudo-archaic prefixes. E. g., anigh, a-dread, a-warring, entasseled, etc.
- 3) *Ad hoc* suffixes. E. g., bronzen, shodden, clothed-on, youngling, etc.

C. Metrical gap-fitting. No other explanation seems to account for such creations as "scowlfy," and "groanful"; such obsolete terms as "reguerdon" and "whileas"; and such intrusions of twentieth century colloquialisms into the midst of Elizabethan stateliness as "Buddy, sit thee in silence" (IV, 411) and "a slacker was I and a coward" (IX, 35). One must at least admire the Herculean resourcefulness of the translators, if not the sometimes Procrustean results.

It would be wrong, however, to convey the impression that all, or even the major portion of this translation is marred by the faults just enumerated. Once the reader has accepted the inherent difficulties of the metrical form, he is frequently moved to admiration of individual passages. The climax of the scene of Priam before Achilles is a good example not only of difficulties skillfully surmounted, but of positive literary excellence.

Yea, have awe of the gods and compassion on me, O Achilles,
Mindful of thine own father; and even more piteous I am;
Braved have I that which never on earth braved a mortal before me,
Lifting my hand to the lips of the man who hath slain my children
(XXIV, 503-6).

The last line of this passage may be compared with two other dactylic renderings. One is that of Johann Heinrich Voss in 1793, whose line-for-line translation according to Professor Miller first inspired Professor Smith to attempt the same task in English. Voss' line reads:

Die die Kinder getödtet, die Hand an die Lippe zu drucken.

The other is that of Robert Bridges in "quantitative" dactyls:

Raising the hand that slew his son pitiably to kiss it.¹

It will be noted that Smith and Miller have both avoided the error of interpretation common to the other two, and have here successfully overcome the monosyllabic choppiness of the English by the use of a highly effective spondaic ending, which sets a seal of nobility on the whole passage. Again the passage which is said to have guided Phidias in his creation of the figure of Zeus appears with a dignity worthy of its subject.

Thus spake the son of Cronus, and with darkling eyebrows he
nodded.

Then the ambrosial locks of the King flowed waving about him,
Down from his head immortal; and thereat nodded Olympus
(I, 528-30).

One slight improvement only might be suggested by Vergil's version,

Annuit et totum tremefecit Olympum (*Aen.*, X, 115).

A large number of the stock phrases and recurring sentences are just sufficiently altered in their dactylic dress to exhibit a new charm

¹ *Ibant Obscuri—An Experiment in the Classical Hexameter* (Oxford, 1916).

which is both Homeric and their own. Such are: "the sea-marge billow-resounding," "shimmering-helmeted Hector," "Thetis, the silvery-footed," "the wave-beat strand of the waters," "impetuous valour," "Down he fell with a crash; loud clanged his armour upon him." Moreover the translators have not allowed their renderings in all cases to become stereotyped. No less than four variations occur of the standard cliché which reads in IV, 79:

Who with a flash went down from the pinnaced heights of Olympus.

In short, the total effect of this work will vary according to the type of reader it finds. In the case of the professional classicist, admiration of the skill with which the translators have attacked an impossible task will probably be uppermost in mind, together with pleased appreciation of the success of individual passages. In the case of the Greek-less general public of conservative tendencies, the long-standing allegiance to the archaizing prose of Lang, Leaf, and Myers, may well be dissolved in favor of this new and equally reliable version which appears to add the ancient music as well. In any case we may all offer to the surviving translator, Professor Miller, congratulations on the completion of a tremendous labor, which has so obviously been a labor of love.

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Mediaeval and Renaissance Studies, Vol. I, No. 2. Edited by RICHARD HUNT and RAYMOND KLIBANSKY. London, The Warburg Institute, 1943. Pp. 151-334. 18s.

The first number of this journal appeared in 1941 and contained four extended articles: by R. W. Southern on "St Anselm and his English pupils"; by V. H. Galbraith on the fifteenth-century schoolmaster and poetaster, John Seward; by D. A. Callus on "Philip the Chancellor and the *de anima* ascribed to Robert Grosseteste"; and by the late Dom André Wilmart on a thirteenth-century English florilegium of verse and prose pieces that once belonged to Thomas Bekynton. In addition there were four shorter contributions. The present number is similarly made up of four long and three briefer essays, and a note by C. C. J. Webb listing *addenda et corrigenda* to his edition of John of Salisbury's *Metalogicon*. The editors have helpfully added an index of manuscripts cited in both numbers of Volume I.

Number 2 begins with an inquiry by L. Minio-Paluello into the two known versions of Boethius' translation of Aristotle's *Categories*. He demonstrates that the version surviving in many manuscripts and printed in Migne's *Patrology* is not the genuine work of Boethius, which is rather to be found in two manuscripts discovered respectively by Franceschini and Lacombe. There are valuable articles by both editors. Klibansky in his essay "Plato's Parmenides in the Middle Ages and the Renaissance," makes a fundamental contribution to medieval and later Platonic studies. He also prints a shorter discus-

sion of the Rock of Parmenides, the curious tale, alluded to by John of Salisbury, of the Egyptian Parmenides spending his life on a rock "in order to find the principles of logic." Klibansky traces the origin and echoes of this legend, including an early confusion between Prometheus and the Eleatic philosopher. Hunt, in what is the first instalment of his "Studies in Priscian," shows the interdependence of three documents dealing with grammatical theory: a set of glosses in a manuscript at Chartres, notes on Priscian in a Durham codex, and, thirdly, the *Summa super Priscianum* by Petrus Helias. He is thus able to show the great familiarity of Peter with earlier glossators on Priscian, even though there is still considerable uncertainty about the date and exact identity of these commentators, some of whom are mentioned by name. Ernst Kantorowicz, as in all his writings, skilfully combines great learning with vivid presentation in his essay on Guido Faba. Starting with the prologue, printed in an appendix to the article, of Faba's *Rota nova*, he succeeds in reconstructing the main events in the earlier life of this thirteenth-century master of rhetoric at Bologna. The late Hermann Kantorowicz and Miss Smalley marshal all the known facts about the "mysterious Pepo," possible founder of the Bologna School of Roman Law. Lotte Labowsky draws attention to a manuscript in the Bodleian Library containing John the Scot's commentary on Martianus, which was unknown to Cora Lutz when she edited the work from the Paris manuscript. The Bodleian codex preserves a very divergent text of Book I of the commentary, which very possibly represents an earlier redaction by John himself. There are also some differences of a minor sort between the two manuscripts in the remaining books of the work.

The very high quality of the scholarship manifest in both parts of this Journal is noteworthy but not surprising. The reputation of the editors is a sufficient guarantee of that. What gives a special character and value to *Mediaeval and Renaissance Studies* is the fact that virtually all the contributions are based on unpublished manuscript material, and in many cases extensive quotations are provided by the authors in the body of their articles or in appendixes or even in both. One may hope that, once the war is over, it will be possible to issue numbers of the Journal at more frequent intervals. At all events we wish this new and vigorous recruit in the ranks of periodical literature a long and prosperous life.

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ELEMER BALOGH with the collaboration of F. M. HEICHELHEIM. Political Refugees in Ancient Greece from the Period of the Tyrants to Alexander the Great. Johannesburg, S. A., Witwatersrand Univ. Press, 1943. Pp. xvi + 134.

Homeless men seeking refuge in strange lands, because they had been forced to leave their own country, were an only too common sight in the ancient Greek world. In the period of the city-state, with its unceasing party strife and frequent violent overthrow of

government, many of these wanderers were people who had been driven out by their domestic or foreign political foes. Professor Balogh, a well-known student of ancient legal history and of comparative and international law, has undertaken to examine this phenomenon of Greek history. His book is meant to be a first installment of a comprehensive work on the political, social, and legal problems arising from banishment for political causes in earlier history as well as in our own time.

The reviewer regrets that he did not find the book altogether satisfactory. Not only does it not purport to add to our factual knowledge; it also fails to present the facts in such a way that the special aspect of ancient Greek life which the author set out to study might reveal itself fully in its historical development and in the particular psychological and legal conditions by which it was shaped. A certain anachronistic attitude is characteristic of Balogh's approach.

This is especially true of the most important of the topics involved, namely, that of the causes and forms of banishment. Its discussion in the first two chapters alone takes up half of the book. The author's interpretation of the various historical incidents, mostly from Athenian history from the Cylonian affair down to the period of Philip and Alexander, which are presented in chronological order, is, in the opinion of the reviewer, open to criticism.

Balogh states accurately that the roots of the practice of banishment in the historical period are to be found in the pre-historic expulsion from the community of blood, life, and worship formed by clan or tribe, severance from which involved in the early days the destruction of the very foundations of a man's life. But he takes no note of the important fact, clearly brought out by comparative legal history, that in a primitive society outlawry means the exclusion of the guilty man or clan from the peace of the community, as a reaction to the breach of peace involved in his or its own act.¹ Such was still the notion underlying banishment in the early city-state. It is not accidental that the same fate befell the murderer on the one hand and the aspirant to tyranny or the traitor on the other. In his quest for answers to the modern refugee problem, the author falls a victim to the temptation to view the ancient situation too much from a modern, i. e. political, angle. He thus fails to realize the essential relationship between these cases. In either of them the wrongdoer was deprived of the protection afforded by the community to its members. He was left defenseless against the vengeance of those he had offended,² and these were all of his fellow-citizens, because he had disturbed the social order and religious purity of the community. This is why he had to flee, rather than

¹ See H. Swoboda, *Zeitschr. d. Savigny-Stiftung, Roman. Abt.*, XXVI (1905), pp. 166 f., 186, and the Germanistic literature cited by Swoboda. The Greek terminology: ἄτιμος καὶ πολέμιος ἔστω, νηποιεῖ or ἄτιμος τεθνάτω, and the like, clearly expresses the idea.

² This also was the idea underlying outlawry decrees against foreigners who were not residents of the city; they had forfeited their right to the hospitality ordinarily granted visiting strangers; see Swoboda, *op. cit.*, pp. 185 f. In spite of Swoboda's clear analysis, Balogh fails to make the connection plain.

his political undesirability in a sense which we would connect with this conception. It is in consequence of his erroneous construction of the situation that Balogh, for example, commits the historical mistake of stating (p. 57) that *already* Draco's law, which was upheld in later legislation, permitted the killing on sight of any exile returning illegally, and that this was due to the fear of a revolution which his return might entail. The provision only carried into an advanced period what had been the primitive meaning of outlawry in Greece as in other archaic societies. The same law in fact existed with regard to those who had been exiled on non-political grounds.

A somewhat blurred picture of the historical development of outlawry and banishment is the result of the author's failure to appreciate the original meaning of outlawry. The fact does not become sufficiently clear that the latter became a weapon in the political struggle only at a time when the primitive idea of outlawry was beginning to fade. The author well points out (p. 15) the wide gap separating true outlawry from banishment by way of ostracism, which he correctly defines as a measure of mere self-protection of the citizenry against potential aspirants to tyranny; nevertheless he considers it only a milder form of banishment in comparison with that caused by outlawry. He observes (pp. 31 f.) that in the constant unrest which characterized the political life in the small Greek cities of the fourth century banishment degenerated into plain persecution of defeated opponents, used for the purpose of expropriating their property; but he fails to note that this meant a change far deeper than a mere misuse of a traditional form of punishment for political criminals. In pursuance of the same line of thought, he anachronistically exaggerates (p. 8) the political motive in the banishment of the Alemaeonids. In permitting the assassination of the followers of Cylon after they had been induced by his promises to leave the temple where they had sought shelter, Megacles did commit the crime of *asebeia*. Hence the legal reason on which the sentence against the Alemaeonids was based was not at all "camouflage," no matter how welcome their separation from the city might at that time have been politically. In fact the paramount importance of the religious order in the early *polis* bars any explanation of the episode that would relegate to the second place the genuine reaction to the sacrilege.

A clear distinction between outlawry as the primitive reaction of the people against those they deemed to be their enemies, mere banishment for political reasons, and voluntary or involuntary exile due to pressure by or fear of a ruling party would have yielded good results with respect to the immediate object of the author's work. It was also necessary in view of his planned universal history of the political refugee; for it is practically only the third of these types that has true parallels in modern life.

Failure to trace the historical lines and lack of necessary differentiations also obscure the third chapter which deals with the fate awaiting the political exile abroad. In these matters, too, the author seems to be guided too much by the aspects of the modern refugee problem. The most interesting problem, historically, lies in the archaic religious duty of hospitality. Balogh mentions it at the end of the

chapter and stresses the moral and political difficulties that might arise from it to a city harboring a prominent exile. But he does not undertake to investigate its effect on the treatment accorded to political refugees in the various periods. The discussion of the institutions of *metoikia* and *proxenia* as means by which an exile might become a resident of another city, as well as, especially, that of the principles followed in classical Athens with regard to naturalization, suffers from lengthy diversions on many facts and features which are not new and only remotely, or not at all, connected with the subject. For instance, the wholesale grants of Athenian citizenship to the Plataeans and Samians during the Peloponnesian War had nothing to do with the naturalization of aliens driven from home by their political foes.

The fourth chapter, which deals with the repatriation of political refugees, is the most satisfactory part of the book. The author gives a survey of the more important among the various measures for reinstatement of exiles in their civic rights and property, from Solon's amnesty down to the great repatriation decree issued in 324 B. C. by Alexander. He examines the earlier Athenian acts as to the extent to which they excluded or embraced those who had been forced to leave the city on political grounds, whether by virtue of judicial sentences or otherwise. The wise moderation shown in the Athenian settlements after the Peloponnesian War and its immediate aftermath is duly emphasized, and a detailed discussion is dedicated to the highly interesting provisions regarding the restoration of property to returning exiles, which are found in statutes enacted by Mytilene and Tegea in execution of Alexander's decree. For obvious reasons no legal or political principle, ordinarily followed in such cases, emerges. The author states that the Greek refugee problem found no solution until Roman power brought about a general repatriation of political exiles and draws corresponding conclusions in a short "epilogue" linking his investigation to the world refugee problem with which we are confronted.

While the reviewer felt compelled to take exception to Balogh's general approach, he gladly acknowledges the merits of the book. It is pleasantly written and makes interesting reading, and the author and his collaborator have contributed a number of good observations on general history. A brief but impressive description of the economic situation in the fourth century and its social and political consequences (p. 32) or the remarks (p. 37) on the growth of individualistic feeling in the same period and its part in the decline of the city-state may be cited as outstanding examples.

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BERNARD BLOCH and GEORGE L. TRAGER. *Outline of Linguistic Analysis*. Baltimore, Linguistic Society of America, 1942. Pp. 82.

This substantial booklet rests squarely upon L. Bloomfield's views

of linguistic structure and on his conception of the linguist's task, which may be briefly summarized here.

Each language has a unique system of significant sounds (phonemes), and each sound in that system has a range of variations (allophones) peculiar to that language.

Each language has also a unique system of meaningful forms (linguistic forms): sentence types of characteristic build, certain types of phrases (constituent parts of the sentence), word types of characteristic structure (constituent parts of the phrase), and morphemes (the smallest meaningful units of speech, constituent parts of the word).

Every linguistic form has a phonemic shape and a meaning, or a range of related meanings.

The vocabulary or lexicon of a language does not constitute a linguistic system but refers to the "practical world" in which the speakers of any given language move and have their being.

Since each language has a unique system of sounds and forms, it cannot be properly described with reference to some other language. The linguist must therefore analyze each language on its own grounds, setting forth the significant sounds (phonemes) and the phonemic shapes (i. e. the shapes consisting of phonemes) with their meanings.

In so far as the linguistic forms are concerned, their phonemic shapes must be presented and their range of meanings in that particular language defined without reference to other languages. It should be obvious that the grammatical categories of case or tense or gender must not be attributed to a language that does not possess grammatical (morphological or syntactic) forms with such class meanings.

It was the task of the authors to outline a method of linguistic analysis consonant with this view of language. In the main they have succeeded remarkably well although the demand for such an outline guide of the analysis of languages that had to be studied and taught almost immediately as part of our war effort gave them little time to prepare this pamphlet.

Much of what is presented is so new and is stated so briefly—sometimes polemically rather than objectively—that it can hardly be understood without a good knowledge of Bloomfield's *Language* (New York, 1933), to which specific references might well have been given. In any event, there will be many for whom this pamphlet will serve as an introduction to Bloomfield's epoch-making book.

The booklet falls into five chapters of unequal length: language and linguistics, phonetics, phonemics, morphology, syntax. A brief reading list is appended.

The chapter on phonetics is the fullest and, I think, the best. Positions and movements of the speech organs are briefly described, vowel and consonant types are carefully classified from the point of view of articulation, and well-planned schemes for classifying sounds are presented. The authors use the alphabet of the International Phonetic Association to identify sound types but deviate from it in detail—unnecessarily so, I think.

One hopes that the vowel symbols presented in the table on page 22 will be rejected as an ill-assorted lot of typographical misfits.

Serious objection must be raised also against the use of the two dots above the letters to indicate (1) front position of the tongue in rounded vowels and (2) back position of the tongue in unrounded ones. Such ambiguous devices can create nothing but confusion.

The chapter on phonemics is introduced by a clear statement on the relation of phonemics to phonetics. Phonemic analysis is defined as the "examination of the phonetic material with a view to sorting out the distinctive differences" (p. 38), i.e. those differences in pronunciation that keep different linguistic forms apart. All mechanical (positional and prosodic) variations in pronunciation are thus eliminated as non-distinctive and the linguist arrives at a simple phonemic notation in which the linguistic forms are recorded.

A good account of the sounds of a language must of course provide, in addition to a list of the phonemes, a precise description of the phonetic character of the positional and prosodic variants of all the phonemes and of the conditions under which they occur. This point is undeservedly slighted. In fact, the impression is created that one should forget this matter as soon as possible. And yet one cannot speak a foreign language decently unless one not only keeps apart the phonemes but pronounces the proper variants in their proper places. What a curious lingo English would be if all the *t*'s were pronounced like that in *better* or if the *t* of *ten* and of *better* were interchanged consistently or haphazardly. I have no doubt that the authors would not endorse this practice, but they fail to point out the importance of formulating the rules governing the proper use of variants.

The steps to be taken in carrying out a phonemic analysis are outlined on pp. 40-46. First comes the determination of distinctive sounds in the several positions (initial, final, medial, in clusters); then the comparison of the positional sets (why "structural sets"?) with each other, with a view to ascertaining, on the basis of phonetic similarity and the principle of complementary distribution, which units in the several sets belong together, i.e. constitute phonemes. This procedure is illustrated in some detail.

On the general principles of this method of analysis linguists are now agreed. But serious difficulties still arise from two sources.

First, in the case of long and of diphthongal sounds no clear, unfailing principle has as yet been found to decide whether they are unit phonemes or combinations of phonemes in any given language. For example, I hold that *rid* and *reed* consist of three phonemes each, the vowel of *rid* being a monophthong or a down-gliding diphthong, that of *reed* a monophthong or an up-gliding diphthong, depending partly on emphasis and speed, partly on dialect. The authors, on the other hand, decide that *rid*, to be sure, has three phonemes, but that *reed* has four, namely the three phonemes of *rid* plus /j/ if the vowel is diphthongal, plus /h/ if the vowel is monophthongal. In this manner they discover the phonemes /j/ and /h/ not only in prevocalic position, as in *yes* and *hat*, but also in postvocalic position. There is nothing cogent in this treatment; after all, phonemes are not infrequently restricted to certain positions, as /ŋ/ and /ʒ/ in English, the *ch*-sound in German, etc.

The second difficulty arises from the different weighting of the

criterion of phonetic similarity and the criterion of complementary distribution in setting up the phonemic system on the basis of the positional sets of distinctive sounds. The authors give phonetic similarity, which I regard as the more important of the two criteria, a very low rating and, in effect, discard it when, for instance, they define the vowel phoneme of *pot*, which they find also in *boat*, *bore*, *boil*, and *law* (p. 52), as "non-high back" (p. 51), i. e. as any back vowel except that in *foot*. The criterion of complementary distribution, enhanced by the tacit assumption that phonemes must occur in all positions, is made supreme. By weighting the criteria in this manner, they see in their own English postvocalic /w/ in *boat*, /j/ in *boil*, and /h/ in *bore* and *law* to match the prevocalic /w/ in *wet*, /j/ in *yes*, and /h/ in *hat*.

At the end of the rather too brief chapter on phonemics the authors give a summary of their recent analysis of the English vowels (*Language*, XVII, pp. 223-46), which must at best be regarded as experimental. I have already referred to certain highly doubtful features of their procedure; other serious weaknesses have been pointed out by E. Haugen and W. F. Twaddell (*Language*, XVIII, pp. 228-37).

The authors claim that their analysis results in a simple system of vowel phonemes; but simplicity, if it is false, has no merit. Moreover, the "simplicity" of the six-vowel system is altogether illusory, as a single example will show. According to the authors the /o/ phoneme occurs in all the words but one in the sentence *George saw the pot boil over* /dʒohrdʒ soh də pot bojl owvər/. To pronounce this sentence properly, one must be told, and keep in mind, the following rules concerning the allophones of /o/: (1) low-back-unround in *pot* (phonetically identical with the vowel in *palm*, which, however, is regarded as an allophone of the vowel in *pat*); (2) raised low-back-round before /h/ and /j/ in *saw* and *boil*; (3) mid-back-round before /hr/ and /w/ in *George* and *over*. Not so simple after all!

The chapters on morphology and syntax follow Bloomfield's treatment very closely and his terminology is used. Treatment and terminology differ radically from traditional practice, and furthermore, users of the booklet will do well to keep in mind that traditional terms, if used, are apt to be employed in a novel sense. The authors are careful to define their terms briefly; specific references to Bloomfield's fuller treatment would, however, be helpful.

This is not the place to outline Bloomfield's well-planned system. Experience has shown that it works admirably and that it results in an objective description of the morphology and the syntax of any language without reference to another language.

There are, nevertheless, two points of major importance on which I find myself in sharp disagreement.

The first of these is Bloomfield's view that the linguist cannot deal scientifically with the meanings of linguistic forms. Since linguistic forms have meaning by definition, this point of view means that the linguist can deal scientifically with phonemes and with phonemic shapes but not with the functions or meanings of these shapes. In other words, phonemics is scientific, but morphology and syntax are not, or only partly so. But how does the linguist in actual practice

discover the phonemes and the phonemic shapes of a language? Only by carefully observing the meanings of linguistic forms!

Bloch and Trager, accepting Bloomfield's view, find themselves in a quandary. They hold that the definition of meaning "lies outside the scope of linguistic method, which is concerned solely with the linguistic symbols themselves" (p. 6). Nevertheless the linguist must "pay attention to meaning" and finds it "possible to set up serviceable working definitions of any word or other grammatical element." He therefore has "no trouble in operating with meaningful forms" (p. 53). The linguist, it seems, can do even more, for if "the meaning of a linguistic form is the feature common to all situations in which it is used" (p. 6)—a doctrine I reject—he must obviously be able to isolate like and unlike features of meaning in the observable range of applications of a linguistic form.

I think the linguist can do all this and that nobody does it better than Bloomfield and his followers. I would hold, further, that systematic observation of the range of applications of words and other linguistic forms is fully possible and that it leads to a scientific definition of the (linguistic) meanings of these forms. In dealing with meaning the linguist as linguist is no more concerned with the psychological and the philosophical problems of meaning than he need bother his head about the psychology and the physics of sound when dealing with phonemes and phonemic shapes.

I do, of course, agree with the authors that the linguist must first of all present the phonemic shapes and then define their meanings, and that meanings not attached to linguistic forms are irrelevant to the description of a language. In working out the system of forms the linguist more often than not takes his cues from meaning, but when he makes his statements he puts the shapes of the linguistic forms down first and then he says what they mean.

The second point I object to is the use of "zero features" as a "fiction of the descriptive technique" (Bloomfield, *Language*, p. 209). It leads to a confusion of linguistic realities and methodological fictions (a trap not always avoided in this booklet), as for instance in the authors' statement concerning uninflected plurals like *sheep* and *deer* (p. 59). Since these words, the authors explain, "behave syntactically just like regular singulars and plurals . . . , we may find that the syntax of the language can be most conveniently described if we say . . . that *sheep*, *deer*, and the like form their plurals by the addition of a zero suffix in suppletive relation to the regular suffix /-əz, -z, -s/." In other words, if two forms behave alike syntactically we must act as if they behaved alike morphologically as well, whether they do so or not. A treacherous device indeed!

In conclusion I want to affirm my belief that this pamphlet will perform good service. Based on Bloomfield's views, the procedures recommended differ sharply from older practice in many respects. It would be surprising indeed if some phases of the methodology were not open to criticism.

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EDWARD KENNARD RAND. *The Building of Eternal Rome*. Cambridge, Harvard Univ. Press, 1943. Pp. xiv + 318; frontispiece. \$3.50.

There have been through the centuries two Romes, one a perishable city built by men's hands, the bricks and stones of which the archaeologist has uncovered for us, the other the city that will abide, into the building of which went the hopes and aspirations of many a lofty spirit. It is with the building of this Rome, thought of as a continuing process, that Professor Rand concerned himself in his lectures before the Lowell Institute in 1942, now presented, with the addition of footnotes, a bibliography, and a good index, in this attractive volume. In the eight chapters which make up the book we are carried on a pleasant and instructive voyage down the stream of time, from the great period of the Scipios, down through that of the "ideal Empire" and its fulfillment under Augustus, of the "Decline and Fall" of that Empire, through the period of Christian Rome, the Byzantine Empire in the East and Charlemagne and his successors in the West, down to our disordered present; and the companions and guides on the journey are the great men of Greek and Latin speech who have expressed in prose and verse the ideal of Roman humanism which the Greek historian Polybius, the first of the builders, found among the Romans of his day: reverence for the past and pride in its achievements; enthusiastic study of the liberal arts including literature, science, philosophy, religion; and service to the state (cf. p. 29). Readers of Rand's earlier volumes will find here much that is familiar, but the familiar has now become a necessary and integral part of a new whole, has been given new emphasis and a new aim, a plea for the recognition by our "educators" (cf. p. 83) of the value for us now of this Roman ideal as part of the rich intellectual and spiritual heritage bequeathed to us in Greek and Roman literature. In the final chapter, by a delightful play of fancy, many of those builders of the *Urbs Aeterna* of the spirit from Polybius to Dante are brought together with our author after he, having indulged in the gloomy thought that "the world is throwing treasures away and entering the Dark Ages again" (p. 266), has a dream in which he holds converse with them and is comforted as he hears them apply their wisdom to the solution of the problems of our present and receives Cicero's assurance that "small though your numbers you need only to have faith that the treasures you guard will shine out once more as they have cast their light on even darker days" (p. 280).

Along with this "high seriousness" there is laughter, too, just as seriousness and laughter exist, as Rand shows us in Chapter III, side by side in Latin literature and no one is better qualified than he to interpret this laughter for us. In Chapter IV also, after attempting to solve the riddle of Vergil's Ivory Gate and concluding that the riddle may best be marked unsolved, he turns to those dreams which are very "apt to glide out by the Ivory Gate" (p. 126)—the love-dreams of Roman lyric and elegiac poets, Catullus' of course excepted. In this way, Rand is able, we are glad to say, to bring in Ovid. Even the centuries which followed the fulfillment of the ideal Empire of Augustus had their builders, pagan writers such as Quintilian and Tacitus—Rand can even include Fronto in whom he sees

a "humanist" (p. 157)—; the Fathers of the Church, especially Arnobius, Lactantius, and St. Augustine by whom pagan literature was, as it were, "baptized" (pp. 187, 197); Emperors such as Gallienus, Constantine, Charlemagne, each of whom in his own way sought to be an Augustus redivivus; and finally Dante who, in his *De Monarchia*, solves the problem of the best state by a return to Augustine and Vergil: "Virgil's City of Earth has become more divine and Augustine's City of God has become more human" (p. 250).

It will be seen, even from this brief glance into the rich contents of this book, that Rand is primarily interested, as he himself tells us more than once, in ideas rather than in events (cf. Pref., p. ix; p. 48) for "there is nothing more solid than the world of ideas," he writes on p. 115; "they abide while the world of action and apparent fact is full of gropings, inconsistencies, misunderstandings, and disappointments." There is truth in this, especially since we have made facts a fetish, forgetful that a fact *per se* may have no dynamic force whatever. On the other hand there is a danger in dissociating ideas from what may be called their historical environment since in such a case but one side of the picture may be turned toward us: Rand has not altogether escaped this danger. For example one has to forget a lot of history to accept his statement (p. 29): "The reason why Romans governed so well is that every mother's son of them had a liberal education." But they did not always govern well, even the most liberally educated. One thinks of Verres, and his "lex iniuriae," of Sulla, Pompey, Caesar, Brutus, Octavian and their mulcting of the provinces, and of those others who in Tacitus' burning phrase *ubi solitudinem faciunt pacem appellant*. Nor can I be as enthusiastic as Rand is regarding "the Ideal Empire" and its aims as they are expressed in Anchises' words to Aeneas in Vergil, *Aen.*, VI, 851-3: "to build order upon peace" (p. 15; surely not "moral law" as he translates *morem* on p. 60), "to spare the conquered and subdue the proud" (more correctly on pp. 60 and 237 "battle down the proud")—*debellare superbos*. But who are these *superbi*? Rand doesn't tell us nor do any of the commentators, but the word stands in sharp contrast to *subiectis* and must therefore include all who are not or who refuse to be *subiecti*. That all too often was Rome's way (*memento, Romane*), just as it has been the way of imperialism and of military autocracy from the beginning down to our own day; but it is not the right way nor was it, I am sure, the way Vergil would have chosen; and, because it was not, he can end his majestic poem on a note of protest: the *vita* of Turnus, one of the *superbi*, *cum gemitu fugit indignata sub umbras*. There is certainly criticism of this ideal in the passage discussed on p. 237, from St. Augustine, who quotes directly Vergil's lines: the Roman fault had been, as he puts it, *De Civ. Dei*, V, 12, *dominationem post libertatem sic habuisse ut in eorum magnis laudibus poneretur*. It may be noted that when Augustine paraphrases Vergil's lines he replaces "superbos" by "populos."

Such differences of opinion in matters of interpretation in no way, of course, detract from the value of any good book, and this is a good book, one to be read and re-read, full of knowledge and wisdom,

a book which is the fruit of that humanism of which the author himself and his works as teacher and scholar are a true representative.

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FATHER JOHN F. CHERF, KATHARINE TUBBS COREY, SISTER MARY D. MCNEIL, RUTH FRENCH STROUT, JOHN L. CATTERALL, GRUNDY STEINER, and HARRIET C. JAMESON. *Studies in the Text Tradition of St. Jerome's Vitae Patrum*. Edited by WILLIAM A. OLDFATHER and others. Urbana, Univ. of Illinois Press, 1943. Pp. 566. \$14.50.

This impressive volume, published in commemoration of the seventy-fifth anniversary of the founding of the University of Illinois, bears on its title-page the names of eleven men and women and is the result of labors extending over two decades. The nucleus consists of five doctoral dissertations which have been supplemented, edited, and fused into a whole by the editors. The fact that the dissertations were planned to appear separately accounts for a certain amount of repetition in the subject-matter.

Designed to prepare the way for a definitive edition in the *Corpus Scriptorum Ecclesiasticorum* of St. Jerome's biographies of the Saints Paul, Hilarion, and Malchus, a study was made not only of Latin manuscripts containing these Lives, but of versions in Greek, Old Slavic, and in several languages of the Near East. The amount of work involved may be suggested by the fact that 124 Latin manuscripts were studied either at first hand or from photographs and photostatic copies, 118 of which are in the possession of the University of Illinois. In dealing with this mass of material the policy was adopted that all codices through the eleventh century should be fully collated, as well as a certain number of those dating from the twelfth century. Test readings were taken from the others. The complete list of 523 Latin manuscripts (including a few in the vernacular) is arranged alphabetically according to the English name of the library where each manuscript is found. Of versions in other languages which are an aid in establishing the Latin text, over 100 photographs were studied, representing 234 Greek, 3 Coptic, 14 Syrian, 4 Old Slavic, 2 Armenian, 5 Arabic, and 1 Ethiopic manuscript. Twenty of these are in the Library of Congress; the others, along with all the collations used, have been deposited in the Library of the University of Illinois.

As a basis for the Latin text, a reprint of Hurter's edition (*Sanctorum Patrum Opuscula Selecta*, XLVIII [1885]) occurs on pp. 36-65, in which the words of the *Vitae* are numbered so that the variants may easily be found. For the Greek text the collations are based upon the editions of J. Bidez, A. Papadopoulos-Kerameus, and P. van den Ven for the Lives of Paul, Hilarion, and Malchus, respectively.

Although differences in the material relating to the three biographies necessitate some flexibility in the methods of presentation, in general,

the authors of the chapters dealing with the Latin *Vitae* conform to the following pattern: division of the codices into groups, with stemma for each group; discussion of the archetype and stemma for the composite of all groups; consideration of manuscripts which do not fit into any of these families; conclusions based upon the study, designed to guide the future editor of the text. The treatment of the Greek versions deviates from that outlined above, since the existing Greek manuscripts do not fit so neatly into family groups, but represent individual text traditions. Following publication of the Greek texts in each case is a discussion of the relations of the Greek versions to the Latin text.

So detailed is the mass of material used in the six chapters dealing with the Latin and Greek biographies of these hermit saints, so numerous the carefully-prepared stemmata that there might be very real danger that the reader would fail to see the woods for the trees. To obviate this danger Dr. Steiner, author of the introductory chapter, has summed up and evaluated in the final chapter the results of the preceding investigations. His synthesis of the conclusions reached by the five principal authors leads to a series of "basic stemmata" which he defines as "those portions of the pattern of descent which remain relatively fixed for all the *Vitae* contained in the manuscripts of a family." This is followed by an evaluation of the Greek translations for the establishment of the Latin text.

To the uninitiated in the realm of textual studies, it might seem that this handsomely-bound, well-printed tome of 566 pages would represent the last word on the subject of the comparatively scanty text with which it is concerned. Professor Oldfather's concluding words, however, refer to this volume as "little more than a preliminary and partial survey of a broad field." Such extensive and intensive researches presage a final text to which the word "definitive" may fittingly be applied.

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Anecdota Atheniensia et Alia. Tome II. Textes Grecs Relatifs à l'Histoire des Sciences. Édités par A. DELATTE. Liège, 1939. Pp. viii + 504. (Bibliothèque de la Faculté de Philosophie et Lettres de l'Université de Liège, Fasc. LXXXVIII.)

The first volume of M. Delatte's *Anecdota Atheniensia*, which appeared in 1927, was composed of texts dealing with the history of religion and magic; the present volume is devoted exclusively to scientific texts. Though the material is for the most part Byzantine, it has its roots in much earlier periods and cannot be neglected by the student of ancient Greek science.

First there are two treatises of the eleventh century encyclopaedist Simeon Seth, the *Conspectus Rerum Naturalium* and the *De Usu Corporum Caelestium*. These are typical digests of Aristotelian, Ptolemaic, and Neoplatonic physics, metaphysics, meteorology, astronomy, and geography. With the exception of the first part of the *Conspectus*, the material is now edited for the first time on the

basis of some twenty manuscripts. Incidentally, the ascription of the *Conspectus* to Michael Psellus is rejected, but without detailed argument.

In the centuries following the publication of Nicomachus' *Introductio Arithmetica* a large body of commentary developed, of which four recensions were distinguished by Paul Tannery (*Mémoires Scientifiques*, II, pp. 302 ff.). The first had been published in full and the second in part by R. Hoche; and Delatte now completes the publication of this second recension by editing the notes to Book II on the basis of Vaticanus 1411 (15th century) and Atheniensis 1238 (18th century). It may be worth noting here that the latter manuscript gives some confirmation to Tannery's conjecture that Philoponus' source is a commentary by the philosopher Proclus and not, as Suidas had held, by Proclus Procleius.

Philoponus is also the author of the only extant ancient treatise on the astrolabe. Delatte now edits four Byzantine treatises on the subject, two by Nicephorus Gregoras, one by Isaac Argyrus, and one anonymous, the first three and perhaps all four written in the fourteenth century. The editor makes out a good case for the ascription of the treatise in Baroccianus (Oxford) 166 (15th century) to Nicephorus instead of to Isaac Argyrus, as the author of the Bodleian Catalogue, H. O. Coxe, has it.

The next division of the volume is of special interest to lexicographers and linguists. The editor has published from the vast store of available material fifteen previously unpublished botanical glossaries. The manuscripts containing this material date from the fourteenth to the eighteenth century. Some are anonymous, others bear ascriptions, one of the longer examples being the work of the fourteenth-century polymath Neophytus. Many of these glossaries are essentially polyglot dictionaries and follow the practice, found in some manuscripts of Dioscorides, of giving the equivalents of plant names in various languages. Italian, Latin, Turkish, Arabic, and Romaic equivalents of classical Greek terms are found in the texts now edited.

With medical literature as with botanical the passage of time saw a multiplication of certain texts, particularly those containing useful prescriptions. From this inexhaustible material Delatte has selected and edited three short treatises and a fragment of a fourth dealing with the properties of various foods and appropriate diets for each month of the year.

Throughout the volume the editorial work is of the high order which has always characterized Delatte's contributions. Students of ancient and Byzantine science will be grateful for this new source material. It must be said, however, that the usefulness of the collection would have been enormously increased had the editor added appropriate indices.

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Berytus, Archeological Studies published by the Museum of Archeology of the American University of Beirut, Vol. VIII, fasc. I. New York, Near East College Association, 1943. Pp. 72; 8 plates.

Scholars of Near Eastern archaeology and history may be grateful to H. Ingholt for courageously continuing in America the publication of his periodical *Berytus*, in spite of war conditions, interruption of excavations and research in Syria, and the virtual break in communication between Syria and the United States. The high standard of the last two volumes of the Review, as to both their content of new information and the interest of their papers, gives the lively impression that the results of the archaeological activities in the Near East which preceded the outbreak of war may offer materials and problems for scholars in every branch of study in antiquities for many years to come, enough to fill many more volumes. This impression is enhanced by the article which can certainly be considered the leading one of the last fascicle, the "*Res gestae divi Saporis* and Dura" by M. I. Rostovtzeff (pp. 17-60). It is an enlightening contribution to the research on the dark and troubled period of Roman history, particularly as far as the eastern provinces of the Empire are concerned, that is, the mid third century of our era: a contribution following what can already be considered a praiseworthy tradition of the periodical which previously gave us (in volumes IV and V) two substantial studies on the same subject in two articles by A. Alföldi. These earlier articles aimed at adding the weight of numismatic evidence to our scarce literary information on the historical events of that period. Rostovtzeff, however, considers the events of the years around the middle of the third century in the light of a new and fundamental archaeological monument recently discovered, that is, the trilingual inscription celebrating deeds during the reign of Sapor I. It is engraved on the walls of the "Kaabah" of Zoroaster, a kind of rectangular tower built in front of the rock-cut graves of the Achaemenian kings of Persia at Naksh i Rستم near Persepolis. It is a monument unique in its kind, that Rostovtzeff presents, therefore, as a parallel to the *Res gestae divi Augusti*, since it is also a summary of the military, political, and religious activities of the Persian dynast. This Persian inscription, however, aside from the general aim, differs entirely from the Latin one inasmuch as it is oriental in spirit and formulation and directly derives from the annals of the Achaemenian kings and from the Assyrian tradition. It is a *unicum* among the preserved monuments, but probably similar inscriptions were also compiled by all other Sassanian rulers, as well as by the Achaemenian kings themselves. The full publication of this exceptionally important text is far from being realized and its thorough study may eventually cast light on a great number of facts and problems. Rostovtzeff dedicates his long paper to one single point: to check the data provided by the new inscription with our previous knowledge of the history of Dura's last years. This limitation does not prevent him from tracing one of his usual brilliant sketches of all the exciting historical events in the Near East during these years which saw the devastating storm of the Persian irruptions into Syria, and the greatest humiliation of the Roman Empire. His limited theme does not prevent the author from sifting all available

historical sources at the winnow of the new fundamental document.

The *Res gestae* describe three principal military campaigns of Sapor. The first one is his war with Gordian III (244 A. D.), and the third one is his famous expedition against Valerian and the capture of the Roman Emperor at Edessa (259-60 A. D.). Much more controversial and obscure is the second campaign, during which the first invasion of Syria and the first destruction of Antioch occurred. A great Persian victory at Barbalissus against a Roman army of 60,000 men is mentioned for the first time. Very convincing is Rostovtzeff's sketch of all these military events which he assigns to the moment of political unrest directly preceding Valerian's accession to the throne, that is, the years 252-53 A. D. But this solution is actually strongly contradictory to the archaeological data offered by the Dura excavations. The conquest of Dura is attributed in the *Res gestae* to the Barbalissus expedition. But a number of coins and other finds at Dura undoubtedly extend as far as 256 A. D. Rostovtzeff, hesitantly and quite conscious of the hypothetical character of his suggestion, tries to find a way out of the dilemma by suggesting that there may have been two successive captures of Dura, a fugitive one in 253 A. D. and a final capture and destruction of the town in 256 A. D. There is no objection to the possibility that the first capture was a mere evacuation of the Roman garrison, and a temporary occupation by the Persian army on the way back to its country. After the mention of the first and fugitive conquest, however, it is much more difficult to explain the complete silence of Sapor's annals about such an important event as the final storming and destruction of the powerful fortress. How can we conceive this event as an isolated action, not connected with any major military enterprise? And even if it was the result of a quick incursion followed by an immediate Persian retreat, succeeded by a period of three or four years of peace before the real declaration of war, would the challenge have remained unanswered, even ignored, by the Romans? Moreover, would the Romans, in anticipation of the inevitable onslaught to come sooner or later from the Persians, have neglected to restore the fortress dominating so important a site along the road of the Euphrates? In the face of such formidable objections, it seems to me perhaps less risky to seek refuge in our still fragmentary evidence about the last years of Dura. The coins and the other finds, certainly dated in the year 256 A. D., provide us with a safe *terminus post quem*, but they do not permit us to fix the date of the final destruction in the same year. Most of the hoards of coins examined—the most solid base for establishing the chronology of these decisive events—belong to the part of the town buried under the sloping embankment built along the walls for protection from the military machines of the Persians. The only certain conclusion is that the embankment was not erected before 256, probably in this year or possibly in 257, since the last issue of the Syrian mints was not necessarily in circulation in the most distant border garrisons immediately upon being struck. There is no evidence of a prolonged siege of the town; but this does not exclude the possibility that a warning of the unavoidable attack by Sapor could reach the border town about two years before the actualization of this daring scheme of the Persian dynast. The hasty construction of the embankment could

have been due to an alarm, as well as to the real approach of the enemy. The date of the last coins carried by the soldiers who perished in the counter-mine inside the city may be accidental: in fact, no date later than 254 A. D. has been ascertained. Nor do all hoards found in the city reach the extreme limit of 256 A. D. Some of them extend only to a few years before. Some houses and shops may have ended their activity at the time of the first Persian sack. Some coins later than 256 may have been found, or may still be found. Besides these arguments there is, furthermore, the possibility of an interruption of close relations between Dura and the West after the first alarms, or even perhaps the first skirmishes, forerunners of the forthcoming onslaught: a suggestion produced by Rostovtzeff himself, when he was still inclined to attribute the conquest of Dura to the great expedition of Edessa of 259-60 A. D. (see *Dura-Europos and its Art* [Oxford, 1938], p. 29). The silence about Dura in Sapor's record on this sensational campaign is not difficult to explain, since he evidently avoids mentioning again all cities said to have been captured in the preceding campaign.

As a consequence of his new theories, Rostovtzeff adjusts to them his interpretation of some drawings found at Dura. One is the drawing of the "House of the frescoes" representing Persian horsemen fighting against fleeing enemies, previously interpreted by Rostovtzeff as a possible representation of the battle of Edessa. Since he now puts Dura's destruction in 256, and there is no evidence for a restoration of the town, he substitutes for Edessa the possibility of a representation of the battle of Barbalissus, executed by soldiers of a detachment of the Sassanian army that occupied Dura for a short period in 253 A. D. The second drawing is the scene of a sacrifice found in the office of the *actuarius* (bookkeeper) of the Roman garrison. In this Rostovtzeff believes it is possible to recognize a representation of a visit paid to the garrison of Dura by Odenath, and a commemoration of the victory of the Palmyrene prince over the Persians, not after 260 A. D. but rather after the expedition of 253 A. D. In this kind of conjecture it has always seemed to me that fantasy and the hypothetical element risk running away from the reins of solid criticism. As a whole, I think we must beware the danger of the enormous interest raised by the unexpected and puzzling discoveries at Dura. The great amount of important and startling documents yielded by them make us inclined to look at the actual artistic and historical value of each of them through a magnifying glass. Let us now limit ourselves to the point we are discussing, the paintings of the private house—hardly fit to be called paintings, since they are no more than sketchy drawings. They may simply represent, as do so many graffiti of Dura, generic battle scenes. They look like impressionistic sketches of characteristic episodes of warfare at the oriental borders of the Empire, naturally inspired by the deep impression roused by the devastating incursions of the Persians, and attributable to any moment of the last period of Dura, at least from the time of the defeat of Gordian's army near the borders of Assyria. We are not even in a position to state positively the quality of Roman in the horsemen pursued by the Persian in the drawing. (See the very weak arguments to determine

them as Roman auxiliaries in *Dura Rep.*, IV, pp. 190 ff.) Hunting episodes intermingle with the battle scenes. A Persian may have written the inscriptions or a merchant of the town of a different origin, but acquainted—as many merchants could be—with Pehlevi writing. In the same way the scene of sacrifice does not appear at all as the solemn commemoration of a great historical event. The horseman may be a prominent citizen of Dura, even without being a *strategos* of the town. The small discs at the feet of the horse may be a summary indication of the rocky landscape, rather than gold coins spread before the horseman. The dominating figure of the scene is evidently not the horseman but the Roman tribune, who performs the sacrifice in the center of the composition, standing near the god. Only the tribune's name, *Heliodorus*, is repeated many times on the entire wall (see Rostovtzeff, *Yale Classical Studies*, V [1935], p. 250, n. 126). The whole scene merely looks like a modest parallel to the sacrifice to the Palmyrene divinities, performed by the tribune Terentius in the name of the garrison, with the help of the indigenous priest Themes. It does not seem strange at all that at this time, in a celebration by the garrison for a common victory, not an indigenous priest is present, but rather the representative of the indigenous forces whose collaboration in these turbulent moments would be considered essential for the victory itself.

An integral part of the documentation necessary for the historical sketch drawn by Rostovtzeff is constituted by "the numismatic evidence from Dura," dealt with by A. R. Bellinger in a clear and thorough paper, which almost forms an appendix to the preceding study.

The new contribution offered by the present fascicle of *Berytus* to the history of late antiquity, presents the same image as the many volumes of the Reports on the excavations of Dura: the image of an immense broadening of horizons in our vision of life and thought of antiquity. The modern conception of excavations and research necessitates a rigorous organization, calling for the collaboration of an increasing number of scholars of different fields, including archaeologists and historians, historians of religions, epigraphists, numismatists, classicists and orientalisists, specialists of Semitic and Iranian languages, and so on. In such an organization, however, the division of work into special fields must not lose sight of the ultimate aims and the essential results. We see in these studies that patient analysis may be matched with brilliant synthesis, summarizing the single results, and carrying the final conclusions into the general picture of the history and thought of antiquity.

Besides the papers mentioned before, the fascicle contains a useful catalogue of ancient oriental seals in the Royal Ontario Museum by T. J. Meek, as well as a note on the metal of the Mitannian battle axe found by Schaeffer at Ras Shamra.

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SIDNEY DAVID MARKMAN. *The Horse in Greek Art*. Baltimore, The Johns Hopkins Press, 1943. Pp. xvii + 211; 62 figs. \$5.00. (*The Johns Hopkins Univ. Studies in Archaeology*, No. 35.)

The title of Markman's book calls to one's mind a great number of dissertations which treat in detail one aspect of Greek or Roman life, art, or civilization; they are, for the most part, collections of the available literary, epigraphical, and archaeological evidence. *The Horse in Greek Art*, however, is of a quite different kind, perhaps because it is a Columbia dissertation. In fact, Markman tries to do here for the representation of horses in Greek Art what G. M. A. Richter did for the *Development of the Greek Kouros from the late seventh to the early fifth century B. C.* Readers of this review may therefore be invited to study Carpenter's critical analysis in *A. J. A.*, XLVII (1943), pp. 356-8.

Markman's aim is "to establish a system of dating for representations of the horse in Greek art, particularly sculpture." He uses securely dated monuments as a skeleton and declares that "with the datum points thus clearly marked off, hitherto undated or incorrectly dated monuments may be placed within the established chronology." He thus assumes, without further discussion, that the representations of horses underwent a regular and unbroken development from the most primitive to the most realistic forms. Markman shares this assumption of the existence of a straightforward development with many students (not only of art and architecture but also of literature and civilization in general), and he can therefore not be criticized for not having examined the validity of the method which he so successfully applied to his subject.

Yet "is it not possible," one may ask with Carpenter (*loc. cit.*), that the representations of horses "display such a marvellous anatomic sequence of forms, not because they were really produced in this temporal succession by ancient sculptors, but because they have been so ordered by the modern investigator?" The complexity of the problem may be somewhat simplified by confining the investigation to one particular, isolated element. Take, for instance, the profile of the echinus of the Doric capital; but remember that you are touching a subject well treated by L. T. Shoe, who based the organization of her monumental work (*Profiles of Greek Mouldings*) on the merciless principle of straightforward development. No one will deny that the earliest Doric capitals have rather curved (doughy) profiles, while the later examples show straight profiles and a firm body. The preserved capitals have therefore been arranged according to the degree of curving (doughiness), and it is now possible to put any newcomer into its proper place. One can, moreover, now point to the "development" of the profiles, as shown by the neatly arranged list of capitals, and one has silently assumed that the relative position of any individual capital is not only practical for the purpose of classification but that it has also a chronological significance. This method is obviously borrowed from botany (Karl von Linne), but it is applied with much less modesty than is appropriate to human artifacts in contrast to works of nature, especially since most biologists did not assign to their system of classification any intrinsic

value. The great danger of this kind of approach to problems of art and architecture lies in the fact that its results seem to be accurate within certain (sometimes narrow) limits.

It is true, indeed, that the degree of curving of the echinus of a Doric capital (or the degree of realistic modeling of human or equine bodies) gives a general indication of date; but the question as to the accuracy of this indication must remain open, and readers of Markman's book should remember that there is such a thing as the "Gleichzeitigkeit des Ungleichartigen" ("coeval works sometimes do show different attitudes towards nature, that is, different trends of style"; see O. Brendel, *Art Bulletin*, XXVI [1944], p. 202).

The original contribution of Markman's book should appear in his discussion of the "undated or incorrectly dated monuments." A few examples must suffice. The capital of the stele from Lamptrai (pp. 112-13) is dated, correctly I think, by Markman in the period after 550 B. C., but I am surprised to read that "the gait is perhaps the only safe clue to the date"; see W. B. Dinsmoor, *A. J. A.*, XXVI (1922), pp. 261-8; G. M. A. Richter, *Archaic Attic Gravestones* (1944), pp. 31-36; compare, however, O. Brendel, *loc. cit.*, p. 203, n. 8. On the other hand, one may hesitate to prefer Markman's judgment to that of Payne (pp. 116-17) when it comes to the reconstruction of the Rampin horseman; Payne's date may be a little too early, but the style of the "muzzle" should not be used as the main evidence in the discussion of a unique monument; this has been pointed out by F. P. Johnson, *Class. Phil.*, XL (1945), p. 49. O. Brendel, who mentions Markman's observation "among the improvements" thinks that Payne "ascribed" the Rampin head to the equestrian statue from the Acropolis; in fact, Payne discovered that the head joins the body. One generally hesitates to classify three-dimensional objects of art merely on the basis of photographs, yet Markman does just this in his discussion of the bronze horse found in 1939 in Olympia (pp. 120-1). At best, his observations should be considered when a new study of the bronze can be made; Markman possibly discredits his own work when he says that "the discussion concerning the *Bronze Horse* . . . is a good example of how the method of dating may be applied." It is well known, moreover, and Kunze must have been aware of this fact (which he himself once pointed out; see *Ath. Mitt.*, LV [1930], p. 147), that bronze statuettes are often in style and technique ahead of the monumental sculpture in marble. Markman's discussion of the Horses on the façade of St. Mark's in Venice (pp. 130-1) is equally disappointing: the main question (original or copy?) is hardly touched; but this question could only have been answered after a visit to Venice. Finally, there may be mentioned Markman's account of the Horse found near Cape Artemisium (p. 132), which is dated by him in the Hellenistic period rather than in the fifth century B. C.; but this has already become the accepted date (*pace* Buschor), and students will have to await the final publication of this almost completely preserved monument before analyzing its style and determining its date.

Summarizing, one may say that Markman's book contains a careful collection of the evidence and skillful presentation of the material. Unfortunately, he mistook a very convenient principle of classification for a new method of obtaining accurate dates. If the eighth chapter

(brief chronological survey of the horse in Greek art) had been distributed over chapters II-VII, the usefulness of the book would have been greatly increased.

The two Appendices and figs. 1-4 require special mention; here Markman supplies all students of archaeology with the essential information concerning the Horse. He presents, moreover, a selected number of descriptions pointing out the anatomical peculiarities which should be noticed in any study of representations of horses. Thus Markman has given us a good handbook which can proudly bear the name: *The Horse in Greek Art*.

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SISTER MARY MAGDELEINE MUELLER. *The Vocabulary of Pope St. Leo the Great*. Washington, D. C., Catholic Univ. of America Press, 1943. Pp. xviii + 269. (*Patristic Studies*, Vol. LXVII.)

An initial study of the vocabulary of St. Leo's *Sermones* and *Epistulae* answers a long-felt need. Except for the study of clausulae by T. Steeger (*Die Klauseltechnik Leos des Grossen in seinen Sermones*) and the Catholic University dissertation by Father Halliwell (*The Style of Pope St. Leo the Great*) the linguistic study of St. Leo has been almost universally neglected. In this dissertation Sister Mary Magdeleine "observed St. Leo's choice of words and the special meaning he ascribes to them" and tried to "evaluate his vocabulary in relation to that of his predecessors in the Classical and Christian tradition." Her general conclusion is that "the small number of neologisms in the *Sermones* and *Letters*—only twenty-seven—indicates clearly that St. Leo was not an innovator" in language. The method whereby she arrives at her conclusions is the same proven method as that of the other studies in the Catholic University Patristic Series. One may feel "picayune" in picking flaws in a ground-breaking work which so many can use profitably and so few (speaking at least for the writer) are inclined to pursue. The following animadversions do seem in order, however: If a complete index is anywhere desirable, certainly it is in a lexicological study. But the work before us sometimes fails in this requirement. Thus "*castra triumphalis regis aeterni*" (p. 221) cannot be located by a search in the index for any one of the four words. So too for "*pestilenter*." Such inadvertence may well impair the value of the work as a whole. Furthermore, to judge from the statement in the introduction, a regrettably small fraction of the available concordances approved by modern scholars has been put to use. Such use might conceivably have facilitated the arduous and bewildering process of checking and correcting especially comparisons with classical literature. There are also some printer's slips. For instance, "*adiecto*" on p. 143 should read "*adiectio*" and on p. 236 "*Forty-three nouns end in -tio*" should read "*Forty-three nouns end in -tio and in -sio*." In spite of these strictures it can be said that future investigators of the vocabulary of St. Leo will draw assistance from this pioneer investigation.

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CHARLES W. KENNEDY. *The Earliest English Poetry: A Critical Survey of the Poetry Written before the Norman Conquest, with Illustrative Translations.* New York, Oxford Univ. Press, 1943. Pp. viii + 375. \$3.00.

This book is the work of one who has long known Old English poetry intimately; it reflects both this fact and also the fact that he has found this poetry good. Ample narrative account of the individual poems is combined with well considered interpretation of mood and literary merit and with careful weighing of a considerable body of critical scholarship. Throughout the book one is kept closely in touch with the poetry itself by the author's translations, in alliterative verse, of pertinent passages amounting in all to about two thousand lines. The work includes an appendix in three sections dealing respectively with the manuscripts, the Cynewulfian signatures, and the "Storm" Riddles; and also a selected bibliography in which Hoops' *Kommentar zum Beowulf* and Hall's translation of Stjerna's *Essays on Beowulf* might well have been included.

As stated in the Preface, the book attempts to re-appraise Old English verse in the light of modern critical scholarship. Viewed broadly, this re-appraisal reflects the increasing understanding of the varied literary influences which shaped Old English poetry. Concerning specific points, one who works with this poetry will note and, in the main, agree with such matters as these set forth below. 1) The Christian influence in the *Beowulf*. Writing in 1897, a scholar states that at that time all critics admitted the *Beowulf* to be an essentially heathen poem (*P. M. L. A.*, XII, p. 205); writing in 1937, a scholar states that the main story is thoroughly imbued with Christian spirit (Klaeber's *Beowulf*, p. 1). Kennedy views the influence of Christianity in the *Beowulf* as marked and pervasive (p. 54) and sees in the poem a fusion of pagan and Christian (p. 91). 2) The influence of the *Aeneid* on the *Beowulf*. The author is cautious about the importance to be attached to parallel passages and is inclined to recognize in the epic dignity of the *Beowulf* a likely though more indirect influence of the *Aeneid*. 3) The *Seafarer* as a dialogue. Before 1902 the dialogue theory had some currency, and Brooke's *History of Early English Literature* gives a partial translation in dialogue form. This theory is rightly rejected (p. 110). 4) The material traditionally known as Riddles 2 and 3 is conclusively shown (pp. 140-45 and pp. 364-68) to form a single riddle of which the theme is *wind*. 5) The interpretation of the *Exodus*. In the light of an article by Bright in 1912, the *Exodus* is interpreted as much more than a paraphrase (cf. *Camb. Hist. of Eng. Lit.*, I, p. 52) and rather as a *carmen paschale* definitely influenced in structure by the liturgy. 6) The unity of the *Christ*. In the author's *Poems of Cynewulf* published in 1910 he held Cook's argument for the unity of this poem to be a strong one; in the present work that argument is considered unacceptable (p. 221) and the 1664 lines known as the *Christ* are viewed as containing several poems. This is a problem on which there is likely to be little unanimity of opinion and one not yet disposed of. 7) The completeness of the *Physiologus*. Contrary to earlier opinions that the *Panther*, *Whale*, and *Partridge* represent

but portions of a much longer work, the author accepts (p. 302) Dobbie's opinion expressed in his edition of the Exeter Book, that with the exception of two missing pages in the text of the *Partridge* these three poems represent all of an Old English Physiologus. 8) The site of Maldon. In view of Laborde's study in 1925, it is accepted (p. 343) that the Danes were on Northey Island, which was connected to the mainland by a kind of causeway submerged at high tide. Read with this topography in mind, a number of passages in the *Battle of Maldon* are much more intelligible than when interpreted according to the previous location of the battle.

In various places throughout the book the reader will be inclined to make notes on small matters. 1) The four well-known manuscripts are said (p. 17) to contain the corpus of Old English poetry with the exception of a few scattered poems. This deals rather lightly with poems in other manuscripts, which poems can hardly be called few since they number about forty; nor are they all scattered—MS 201 at Corpus Christi College, Cambridge contains five, and Cotton Tib. B. 1 contains the *Chronicle* poems, *Menologium*, and *Maxims*. 2) In the note on secret script (p. 133) it would be pertinent to add that this script was also a secret to the scribe who garbled it in Riddle 36. 3) On p. 226 the lines 659-90 from the *Christ* concerning God's gifts to men are said to be based on a passage in Gregory, but this is not at all certain; and in the enumeration of these gifts (p. 227) one would expect to find some mention of the much discussed gift of tree climbing. 4) The remark on p. 360 that Hearne had printed the text of *Maldon* before the MS was destroyed by fire should add that recently in Bodleian MS Rawlinson B 203 was discovered the transcript of *Maldon* from which Hearne's text was printed. 5) The interpretation of *gēomor* (p. 125), used in the *Husband's Message* and in the *Seafarer* to describe the call of the cuckoo, is a good example of the fact that a dark Old English word, when viewed from just the right angle, may flash with meaning. 6) If one seeks a parallel passage for the description of Grendel's mere, the lines from the *Aeneid* suggested on p. 93 are striking.

It will be observed that the book does not consider all the earliest English poetry. About many of the shorter poems there is admittedly not much to say, although such very short ones as Bede's *Death Song* and the *Proverb from Winfrid's Time* could well be included, the first as probably the only extant bit of native verse by the Venerable Bede and the second as the oldest proverb in English verse; noticeably omitted are longer poems, the *Paris Psalter*, the *Meters of Boethius*, and the recently recovered poem called *Seasons for Fasting*, 230 lines in stanzaic division. The lack of an index to the book is also sure to be felt. These matters, however, do not obscure the main fact that the book is a well-written and up-to-date account of Old English poetry, enhanced by the author's successful translations in alliterative verse and by his own contributions to critical scholarship.

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